

Col. TOKUNAGA.

- Q. You have told the Court that the POW doctors looked after and treated sick POWs under the general supervision of Dr. SAITO. In the event of POWs doctors not being able to carry out treatment successfully or for any reason, were they directly responsible to you or was Dr. SAITO responsible to you for the health of POWs because of the failure of POW doctors who worked under his supervision?
- A. I think that the responsibility would be both with me and Dr. SAITO. Dr. SAITO would be responsible and I would also be responsible in a general way.
- Q. You have told the Court during 1942 and 1943 Dr. SAITO bought certain drugs locally for issue to POW camps. Can you tell us from where he bought these?
- A. In HONG KONG and also in CANTON.
- Q. Were they bought from civilian stores or shops?
- A. They were bought from ordinary civilian shops.
- Q. From where was the money supplied to buy these drugs?
- A. It was part of the expenditure of the HONG KONG POW camps.
- Q. Who fixed the expenditure, or drew up the budget for the HONG KONG POW camps?
- A. The Intendant Officer.
- Q. That was Capt. KATO at your HQ?
- A. Yes.
- Q. Was there a definite sum laid down by Capt. KATO or anybody else how much Dr. SAITO could spend on medicine in a month or a year?
- A. Estimates of the amount of money that would be required to buy drugs would be calculated and these would be sent to the Gov. General's office, Intendance Section for permission. If permission was granted the money would be sent from the War Ministry to the Gov. General's office and would be made available to the POW camp.
- Q. So it is right to say Capt. SAITO estimated the amount of money he would require?
- A. Finally, as Camp Commandant I would decide on the actual expenditure of the POW camps and would indent this amount on the Gov. General's office.
- Q. That is not the answer to my question. I want to know whether it was Dr. SAITO who estimated how much money he wanted to spend on medicine and made a list and submitted it to you through Capt. KATO as to what medicines he needed.
- A. That is correct.
- Q. Then, assuming that the amount of money that Capt. SAITO asked for was given, Capt. SAITO had a free hand, as far as you were concerned, to spend it on what medicines he thought were required. Is that right?
- A. The fund that would be available would be fixed in the estimate and if this amount was received the standard of expenditure would be decided by Capt. SAITO.
- Q. What I am not clear about is once Capt. SAITO was allowed to spend say so many hundreds or thousand yen in one particular month, he could then decide what medicines he bought?
- A. It could not be said that Capt. SAITO could spend the money freely; sometimes the Intendant Officer would fix the amount available. Dr. SAITO could spend the amount made available to him freely.

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Col. TOKUNAGA.

- Q. Can you tell the Court how often these estimates were sent in and to cover what period of time?
- A. It was laid down that such an estimate would be made once a year.
- Q. Supposing there was an emergency if more money was urgently needed, could supplementary estimates be submitted in the case, say, of an epidemic?
- A. A supplementary amount could be applied for.
- Q. Assuming this supplementary amount was supplied for, how long would it take before Dr. SAITO had the money available?
- A. In the case of an emergency it would not take a very long time; it would be applied for and permission would be granted.
- Q. Can you tell the Court when this local purchase scheme first came into force, when you first began to buy medicines locally?
- A. From April 1942.
- Q. Do you remember when Capt. SAITO put in his first estimate and how much he asked for?
- A. I do not remember clearly.
- Q. You remember witnesses have told us in the summer of 1942, going on to the autumn of 1942, there was a very serious epidemic of diphtheria in the POW camps. Did Dr. SAITO ever put in an estimate or appeal for any more money?
- A. As I remember it, I think he applied for some money. I do not remember the amount but I do know that he did buy some medicine.
- Q. He applied for an extra amount?
- A. At that time the POW camp had received a large fund and I did not think it was necessary to apply for extra amounts. As I remember it, no medicine was available in HONG KONG and he went to CANTON to buy some medicine.
- Q. Do you remember how much money had been made available for expenditure on medicines of POWs at this time of the epidemic?
- A. My memory is not clear on that point.
- Q. During the time you had this local purchase scheme in force, were you still allowed to indent on Japanese medical units or stores for medicine as well as these local purchases?
- A. It could not be done.
- Q. Did you receive a report either from Capt. SAITO or through the POW medical officers that there was a diphtheria epidemic in the camps in 1942 in SHAMSHUIPO and NORTH POINT?
- A. I did.
- Q. Were you also told at the time that there was a shortage of antidiphtheria serum?
- A. I did. (sic.)
- Q. What steps did you take personally as being the man of ultimate responsibility to try to get serum?
- A. I gave instructions to have serum to be found in local shops and took steps to have such medicine bought. Also Dr. SAITO wished to go to CANTON to buy medicine and I gave him permission to go to CANTON.
- Q. When did you give him permission, in what month?
- A. As I remember it, though I am not very clear, it was some time in August or September, 1942.

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Col.TOKUNAGA.

- Q. Had you any special reason for believing that there might be a better supply of medicine in CANTON rather than HONGKONG?
- A. In HONG KONG medicine was very scarce and to look for it in a large area with the thought that it might be found in CANTON, I sent Dr.SAITO. As I remember at that time one of the Japanese medical staff went to CANTON and at a later date Dr.SAITO went to CANTON.
- Q. Col.CRAWFORD has said in his evidence about the diptheria epidemic that from October the 5th, serum was issued to me in ever-increasing amounts. By the end of October or middle of November we had ample serum. By this time the damage had been done". Apparently by October 5th you were able to get plenty of serum. Where did it come from?
- A. Although I am not clear, as I remember the serum was made available by the army or it might have been flown from TOKYO by plane.
- Q. Col.CRAWFORD also said that diptheria was first of all diagnosed in the camps in August 1942. Can you explain why it was you were not able to get adequate supplies of serum until October 5th, or was it perhaps that the number of deaths had assumed such alarming proportions you began to be afraid of the spreading of the epidemic and really started to do something then?
- A. I do not know when the first case of diptheria happened in the camp but I knew they were beginning and as serum was a special drug it was very hard to obtain. Therefore I think that was the reason it took so much time to receive the drug.
- Q. Also Col.CRAWFORD and, I think, Dr.ANDERSON have stated that they were able to buy in HONG KONG by under cover trade contacts, by trading through sentries, a certain amount of serum and you have heard the witness ARTHUR ROWAN describe in considerable detail how he bought locally in dispensaries a very large amount of serum for Dr.SELWYN CLARKE. If this serum could be obtained in that way through dispensaries in HONG KONG, can you explain how it was Dr.SAITO could not get any.
- A. I do not know the reason.
- Q. You have told us you took steps to get serum and that you also sent Dr.SAITO to CANTON to buy serum. Will you tell the Court what other steps, besides sending Dr.SAITO, you took?
- A. I went to the Gov.General's office with the purpose of consulting with the Chief Medical Officer there but he had gone to CANTON on duty and I was not able to meet him.
- Q. Is that all?
- A. Besides that, as I have just said, I gave special orders to have such serum bought from various places.
- Q. To whom did you give that order?
- A. Medical officer Dr.SAITO.
- Q. Were the number of deaths in the camps from diptheria reported to you every day as they occurred, or were they reported weekly, monthly, or were they not reported at all?
- A. On each occasion of a death it would be reported to me.
- Q. Was it on your instructions that POW doctors were told to fill in the cause of death not as diptheria but as tonsillitis or some such disease?
- A. I do not think the cause of death was changed from diptheria to tonsillitis.

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Col. TOKUNAGA.

- Q. It is in evidence before the Court that although that instruction was given, it was in fact disregarded. What I asked was: did you give that instruction that it must be done?
- A. I heard from the Information Bureau that the use of the word "malnutrition" was not so good and should be avoided. I gave instructions that the word "malnutrition" should be avoided. I did not give any instructions that "diphtheria" should be changed to "tonsillitis".
- Q. Did you give any order that "dysentery" was to be changed to some word like "enteritis" or "gastro enteritis"?
- A. When I went to the hospital the POWs were saying something about dysentery but in the Japanese army, if there are no germs the disease is not called dysentery but enteritis. Therefore I told them to make a clear definition of dysentery and enteritis. I did not give any instructions that dysentery should be changed to enteritis.
- Q. Was it part of your duties to send a report either to the Gov. General or to the POW Information Bureau as to deaths taking place among POWs and, if so, how often did you send it?
- A. The death list would be sent as a monthly report.
- Q. To whom?
- A. To the Gov. General and to the Minister of War through the POW Information Bureau.
- Q. In what month in 1942 was it that you heard from the Information Bureau that the use of the word "malnutrition" was not so good?
- A. Some time in March an official of the POW Information Bureau came and told me about this, March 1942.
- Q. You have heard the witness called Eugene MAK who was employed at your HQ as a typist; he stated that very shortly before the Japanese capitulation he received instructions to alter certain terms which had been made in respect of persons who he knew very well had been shot but who up till then had been shown in these returns as having escaped. Do you know who gave that order that that was to be done?
- A. There never was such a case. At the time when these POWs were shot it was entered in the book, in the nominal roll as "shot" and it was not necessary to alter the book. I do not think anything like that happened.
- Q. I want you to look at this Exhibit P(4) produced by Major LIGHTBODY which purports to be a list of POWs buried in ARGVLL St. POW cemetery. On the second page it says a certain cross indicates "Died before February 1942" and another type of cross says "killed by shooting". Can you tell the Court anything about those marks, who put them there and what you know about this document?
- A. I do not know myself but I think that maybe the person in charge of the cemetery decided on these matters.
- Q. Who was the person in charge of the cemetery?
- A. It was part of the Adjutant's work, also part of the administration work. Under him the work was done by NIIMORI.

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Col. TOKUNAGA.

- Q. You have told the Court how it was necessary for a POW to be hospitalized that Dr. SAITO should make a report and that you should give your consent. The ~~report~~ ^{request} might come out of the Camp Commander of the camp or through Dr. SAITO. Could this be done fairly quickly and informally or did it have to appear on your desk in writing and you had to sign and send it back? Or could permission be granted straightaway?
- A. The procedure was verbal.
- Q. Supposing you had a sudden urgent call to hospitalize a man from a camp commander and Dr. SAITO was not available, would you give permission to the Camp Commander direct to have the man sent to hospital without hearing from Dr. SAITO first?
- A. If such was the circumstance, it was not a matter to be denied. Permission would be granted.
- Q. During the whole time you were Camp Comdt. did you ever have occasion to punish or reprimand any of your camp commanders, interpreters, camp NCOs or camp guards for misconduct or cruelty or illtreatment to POWs?
- A. I have no knowledge of cruelty against the POWs; therefore I have not punished anybody because of this.
- Q. Do you remember on one occasion ordering a POW to be punished because on one of your camp inspections he did not salute you?
- A. I remember hearing it in the evidence but I myself have no knowledge of the incident.
- Q. Do you remember after the 4 Canadians escaped interrogating certain POWs, not Canadians themselves, as to the circumstances of the escape, at the camp commander's house at NORTH POINT?
- A. I have no knowledge.
- Q. You mean you do not remember or you did not interrogate anyone?
- A. I do not remember. I did not interrogate anybody at the time.

The Court goes into temporary recess *at 1130 hrs Rec*
 The Court re-assembles *at 1135 hrs Rec*

Witness: There is a point that I wish to correct in one of the answers I just made.

I think I said I did not punish any POWs because of their mistakes, because a POW failed to salute.

I have recalled the incident. As I remember it now, when I went around on inspection of the wards in SHAMSHUIPO one of the POWs did not salute me and I ordered somebody to have him punished.

Also about the question that was put to me yesterday when Mr. ZINDEL visited the camp and when a POW spoke to the representative. I was asked what orders I gave as to what was to be done about this POW and replied that I ordered Sgt. HARADA to interrogate the POW. I wish now to say in relation to this that when I gave the order, I gave it with the intention and feeling that I wished to have the POW punished.

Also there is another incident. I received a report that a POW officer was trying to escape through the fence and I sent somebody to investigate the matter and told him even though there is no evidence showing that he actually tried to escape but if it was strongly apparent that the POW officer was trying to escape, he should be punished.

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Col. TOKUNAGA.

- Q. Can you tell the Court when this took place?
 A. Some time in 1944, some time after the incident concerning Mr. ZINDEL.
- Q. Do you remember the name of the officer?
 A. It was the officer that spoke to Mr. ZINDEL. As the result of an investigation it was found out that it was the same officer.
- Q. To whom did you give the order?
 A. The officer that went to carry out the investigation was Lt. TANAKA. There was one more - TANAKA and NIIMORI.
- Q. You have told the Court you gave instructions to Lt. WADA and some other officer to carry out the execution of the 4 Canadians who had attempted to escape. What method of execution did you order?
 A. I called Lt. WADA and 2/Lt. MATSUMOTO and told them although it was very pitiable the 4 Canadians who attempted to escape were to be killed and that although I was very sorry about it the circumstances were like this. I explained to them about what the Chief of Staff told me. The method of killing I left with the two officers. I told them the POWs should be killed with the least possible pain and in a most peaceful manner and that they should not be killed where anybody might watch, some place like KING's Park or the further end of KAITAK airfield.
- Q. After the killing, did you receive a report, and from whom?
 A. After the killing, Lt. WADA and 2/Lt. MATSUMOTO came to me. Although both came to me, Lt. WADA stood up and made the report.
- Q. What was the report?
 A. "Under the command of 2/Lt. MATSUMOTO 5 or 6 of his subordinates killed the POWs by shooting at KING's Park and they were temporarily buried in the hole at KING's Park and we have just returned from the killing." I asked the officers about the attitude of the POWs and he reported that they seemed to be resigned and they died in a very honourable way. I asked the officers if they passed on my feelings to the POWs before they were shot, i.e. I told the officers that I was ordered to execute the POWs as a lesson to the others and that I had no intention of killing the POWs. The officers told me they had passed on my message.
- Q. Did you instruct Capt. SAITO to attend the execution?
 A. I did.
- Q. Did you instruct him to take any part in the execution?
 A. I ordered Capt. SAITO to be on hand to see if the POWs had really died or not after the killing.
- Q. That was the only order you gave?
 A. That was all.
- Q. You have told the court, you have said so again in your statement to Capt. COLLISON, that the Chief of Staff ordered these men to be shot. Did the Chief of Staff specifically state that these men were to be shot, or did he leave the method of execution to your discretion?
 A. He used the words "finish them".
- Q. You have told the Court that you believed that to execute a POW summarily without trial was illegal and might perhaps cause trouble at some future date. You have told the Court how pitiful you thought it was that these 4 Canadians should be executed. PTO

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Col. TOKUNAGA.

- Q.(Ctd.) Bearing in mind that, the Court would like to know this. The men who were caught tunneling in an attempt to escape did not in fact ever get out of the camp at all because your guards and sentries were too clever. They reported the matter to you at once and the attempted escape was stopped right away. Therefore there was no question of saving the guards' face, because they had acted cleverly, or your own face because there had been no escape and nobody knew anything about it except yourself. Why then didn't you punish those men yourself - you had power to punish them - and ~~also~~ save their lives by not reporting the matter to the Chief of Staff or Gov. General?
- A. The plan of escape was done on a very big scale and it was something that must be reported, and when I reported the matter to the Chief of Staff he did not give me any chance of disposing the POWs myself. He ordered me, like in the case of the Canadians, to have the POWs executed. At that time I gave my opinion to the Chief of Staff saying that that was too strong a measure to take but he did not listen to my opinion. As many cases of escape were happening in SHAMSHUIPO camp at the time I could not do anything about it.
- Q. The Defence have produced various POW regulations and transmissions governing treatment of POW but they all, with one exception, are dated 1943. Can you tell the Court what rule there was in existence before 1943 governing the regulations of POW camps?
- A. The same sort of regulations were in force, but at that time various regulations that were in force were consolidated and amended and made into a permanent lot. But before that date the same sort of regulations were enforced.
- Q. With regard to the execution of the 5 British POWs, did you give specifically the same instructions to Lt. SAKAINO as to carrying out the execution as you did to Lt. WADA?
- A. That is correct.
- Q. Did you order Dr. SAITO to attend that execution?
- A. I did not.
- Q. Do you know in fact whether Capt. SAITO did go to the execution or not?
- A. He did not go.

QUESTIONS PUT THROUGH THE COURT *Mr. FUSITA "No question". Mr. HASEGAWA "No questions" xcl*
 And Arising out of Court's Questions.

PROSECUTOR: The Court asked you about the north boundary of SHAMSHUI PO camp and whether or not the beach could be seen. You replied "As there were some houses, I do not think they could". Will you show on your plan where the person you visualize would be standing and where the houses that would obstruct his view would be?

- A. I think the question was if the sentry ^Q here in the sketch could see the beach from where he stood. I said that because there were some houses and because the distance was very great he could not have seen. Maybe he could see the very furthest end of the beach.
- Q. Supposing anyone in the camp stood as near to the wire as he could actually get - never mind whether he was allowed to stand there or not - could he see no part of the beach at all or could he see some of it?
- A. He could see the beach but not the bottom of the wall.

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PROSECUTOR: When asked by the Court in respect to hospitals, why hospitals in KOWLOON were not used, the answer was that BOWEN Road hospital was better equipped for the purpose. In that event, why was the British military hospital at BOWEN Road moved to the Central British School in KOWLOON in 1945.

A. There was an order that the BOWEN Road hospital should be moved because of strategic purposes, from the Gov. General's office. At that time I strongly protested against the order but to no avail because at the time the Central School was opened it was used as a hospital.

COURT: One final question. Did Capt. SAITO make any report to you subsequent to the execution of the 4 Canadians?

A. I received a report.

COURT: What was the report?

A. It was about the same I received from Lt. WADA that the POWs were executed at KING's Park and that they were buried in a temporary hold dug there.

(No More Questions *by the Defense or Prosecution Rec*)

At 1245 hrs. the Court adjourn until 1415 hrs.

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The Court ^{rec} assembled at 1415 Hours.

13 January 1947.

COURT: Mr. FUJITA, will you call your next witness.

MR. HASEGAWA: I wish to call Dr. SAITO.

^{rec}
Dr. SAITO ^{has been duly examined by MR HASEGAWA} makes a solemn declaration.

Q. Please give your full name, age and rank.

A. SAITO SHUNKICHI, 35 years old, Army Medical Captain.

Q. Next, will you give your qualifications and history as a medical officer.

A. In 1940 I graduated from the KYOTO Prefecture Medical College. At the time of my graduation I received a diploma for the degree of Bachelor of Medicine and I received my qualifications as a practitioner. After my graduation I took a two months post-graduate course and specialized in internal diseases and after two months I entered the Army. After I entered the Army I received training as a medical officer.

Q. Then will you continue stating your history until you became of your present rank.

A. I entered the Army in May 1940, and at that time my rank was Sgt. In one month I became an officer on probation. Then after one month I became a medical lieutenant. In August 1940 I left Japan and went to Canton and was attached to the Army hospital in Canton until I came to Hong Kong.

Q. When did you first come to Hong Kong?

A. 31st January 1942.

Q. When you arrived in Hong Kong what was your appointment?

A. I was a medical officer attached to the Hong Kong POW Camp.

Q. From when were you a medical officer attached to the POW Camp?

A. I was a medical officer attached to the POW Camp from 31st January 1942 until the Japanese surrender.

Q. What was the duty of the medical officer attached to the Hong Kong POW Camp?

A. The duty of the medical officer of the POW Camp was to assist the Camp Commandant concerning sanitation. Regarding the Japanese side, the medical officer had to do general medical duty.

COURT: Mr. HASEGAWA, will you ask witness when he used the word "sanitation" did he mean it in the rather narrow sense which applies to drains and getting the place clean, or did he use it in a wider sense which means it applies to all health conditions generally?

WITNESS: I meant the word "sanitation" in a broad way which included everything concerning medical affairs.

and also under instructions from the Camp Commandant, it was the duty of the medical officer to direct and supervise the POW Medical staff.

Q. When you said that it was the Medical Officer's duty to direct and supervise the POW Medical staff, was there a system or organization laid down for the POW Medical staff?

A. There was -- this concerned the various camps and also hospitals.

Q. I will ask you about that later -- before you explain that will you explain in what method you directed and supervised the POW Medical staff?

A. In the organization of the POW Medical staff there are the following points:

diagnosis and treatment;
keeping of health and prevention of disease;
physical examination and physical education;
and all other general medical affairs.

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2nd WITNESS FOR DEFENCE -- Dr. SAITO (ACCUSED) Cont.

EXAMINATION IN CHIEF -- Mr. HASEGAWA.

Q. These were the duties of the POW Medical Staff -- then in what method did you direct and supervise the POW Medical staff?

PROSECUTOR: Hasn't the witness just said that these were his duties?

COURT: The witness was asked in what method he was directed to supervise the POW Medical staff. He has not answered the question directly -- I have understood him to state the duties of the POW Medical staff.

The Court explains the question and answer briefly.

DEFENCE: Will you now answer my last question.

A. The various activities that I have just stated were done by the POW medical staff and I, under the orders of the Camp Commandant, would direct and supervise these duties.

Q. My question is how you directed and supervised these activities, will you please explain more fully how you directed and supervised these activities?

A. To facilitate these activities it must be seen that such activities could be done fully and it was my duty to see that the activities could be done. If these medical activities could not be done satisfactorily it was my duty to express my opinion to the Camp Commandant and ask him to see to it that the activities could be done properly.

COURT: Did he say 'could' or 'would'?

INTERPRETER: 'Could'.

Q. You have just now said that one of the activities of the POW Medical Officers was to diagnose and treat patients; Col. TOKUNAGA, in answer to a question put by the President, that is, if the POW Doctor could not fully carry out his duty of treating the patient, and if the condition of the patient became worse, the responsibility would be generally with the Camp Commandant, and in part with the Japanese Medical Officer, but you have just said that the POW Medical Officer was fully responsible for the treatment, then how would an outsider be partly responsible in that case?

A. I will explain -- Japanese Medical Officers do not diagnose POW ~~medical~~ patients. The POW Medical staff would look after POW patients. Concerning matters of diagnosis and treatment of POW patients, it would be the responsibility of the POW Medical Officer. The responsibility of the Japanese Medical Officer would be to see that such treatment is fully carried out or not, and to direct and supervise the same. If such treatment has not been fully and properly carried out it would be the responsibility of the Japanese medical officer only to express his opinion to the Camp Commandant and have him alter the situation. The Camp Commandant, having accepted this opinion, he would have the Japanese Medical Officer direct and supervise the situation, so that it would be done properly.

INTERPRETER: Sir, Mr. HASEGAWA is saying that I left out the word 'diagnosis' in the interpretation and only used the word 'treatment', but the witness used the words 'diagnosis and treatment', so he would like to have the word 'diagnosis' entered into the proceedings.

The first three sentences of the answer are read.

COURT: Translate the sentences read back to Mr. HASEGAWA. The interpretation included the word 'diagnosis'.

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2nd WITNESS FOR DEFENCE -- Dr SAITO (ACCUSED).

EXAMINATION IN CHIEF -- Mr. HASEGAWA (Cont.)

- Q. Will you now give in detail the medical system on the POW side?
 A. The organisation on the POW side was made up as follows, in accordance with the order of the Camp Commandant. I will begin with the SHAN SHUI PO Camp.

At SHAN SHUI PO Camp, Major ROBERTSON was appointed the Chief Medical Officer. Under him were Majors BROWN, GRAY and COLLIN, and under those were Captains COCKBES, RODRIGUES and LANCASTER. As I remember it, besides these there were four other medical officers, and under these officers there were 50 medical N.C.Os and orderlies. In July 1942 Major ASHTON ROSE became the Chief Medical Officer.

At NORTH POINT Camp, the Chief Medical Officer was Major CRAWFORD. and under him were Captains SANFIELD, Capt REID and Capt GRAY. These were the medical officers. There were about 10 medical N.C.Os and orderlies. On the 26th September 1942 the NORTH POINT Camp was transferred to SHAN SHUI PO. After the Camp was transferred to SHAN SHUI PO, Major ASHTON ROSE was the Chief Medical Officer and the work was done under him.

Next, I will explain about BOWEN ROAD: The Chief Medical Officer was Lt Col SHACKLETON and under him Lt Col BOWIE; under these two officers were Majors ANDERSON, FRASER, DURMAN and Lieut CAMPBELL. Besides these there were two more. As I remember it there were about 50 medical N.C.Os and orderlies.

Next, I will explain about the INDIAN MILITARY HOSPITAL on Upper Argyle Street. The Chief Medical Officer was Major ASHTON ROSE, under him were Captains STRAHAN, EVANS, WOODWARD, Dr. GOZANO and Dr. NEWTON. Besides these there were three other Indian Medical Officers, and besides these there were about 30 medical N.C.Os and orderlies. In the middle of June 1942 Major ASHTON ROSE was transferred to SHAN SHUI PO Camp. The other three Captains were transferred to Upper Argyle Street Officer's Camp.

ARGYLL STREET OFFICER CAMP. The Chief Medical Officer at the Upper Argyll Street Officer's Camp was Col SLEPSON. Under him were about 15 doctors. There were no regular medical orderlies but there were about 10 voluntary medical orderlies.

Next, I will explain ST TERESA'S HOSPITAL: The Chief Medical Officer was Major OFFICER, under him were Lt Cmdr. GUNN and under him Lt Cmdr PAGE. Under him Srsg/Lt. JACKSON. There were about 20 medical N.C.Os and orderlies. St. TERESA'S hospital was closed on 15th August 1942, in accordance with an order from the Governor General's Office.

- Q. Whose responsibility was the accommodation provided and the medical equipment that were given to the POWs? ALL ALL
 A. About the accommodation of the POWs, this was done by their Intendant Officer in conformity with the order of the Camp Commandant. About the medical equipment, with the exception of drugs and medical instruments, everything else was done by the Intendant Officer in conformity with the order of the Camp Commandant.

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2nd WITNESS FOR DEFENSE -- Dr SAITO (ACCUSED).

EXAMINATION IN CHIEF -- Mr HASEGAWA (Cont.)

- Q. Next, about the rations that were issued to the POWs, whose responsibility was this?
- A. The ~~Intendant~~^{Intendant} Officer, in conformity with the order of the Camp Commandant, would be in charge.
- Q. Next, about the clothing and bedding issued to the POWs, whose responsibility was this?
- A. In the same way, the ~~Intendant~~^{Intendant} Officer, in conformity with the Order of the Camp Commandant, would be in charge.
- Q. The issuing of drugs and medical instruments, whose responsibility would this be?
- A. In conformity with the Camp Commandant's Order, the ~~Medical~~^{Medical} Officer would be in charge.
- Q. About this matter, will you explain more in detail; for the supply of clothing and rations there would be a scale -- but the supply of drugs and instruments -- how would these be supplied? And who would decide the kind and amount that would be supplied?
- A. Do you mean the method of supply?
- Q. I mean if these were supplied like rations in accordance with a fixed scale? I am not asking you about rations - I am asking you if there was a fixed scale on which medicines were issued or not. Rations were issued in accordance with a fixed scale and I want to know if medicine was issued in the same manner?
- A. About the issuing of medicine, it was not fixed like that.
- Q. Then, how was medicine issued?
- A. Every month the POWs would apply for various necessary drugs. The applications from the different camps and hospitals would be collected and consolidated by myself. I would take this consolidated list to the Camp Commandant. The Camp Commandant would receive the drugs from an outside Supply Depot. I would then distribute, in accordance with necessity, the drugs that the Camp Commandant ~~would~~ received.
- Q. Before I asked you about the accommodation; now I want to know who would be responsible for the various hospitals in the camps and also the equipment that would be supplied to those hospitals in the camps?
- A. For matters concerning drugs and medical instruments I would be responsible in conformity with the order of the Camp Commandant, but all other matters would be the responsibility of the ~~Intendant~~^{Intendant} Officer.
- Q. Next, will you explain what was the procedure when patients would be hospitalised to hospitals besides the camp hospitals? The general procedure?
- A. There were three methods under which a patient could be hospitalised:
- In cases when the Camp Commander would get in touch with the Camp Commandant and receive permission and have the patient hospitalised.
- Q. About this procedure of the Branch Commander or Camp Commander informing the Camp Commandant and asking for permission, was there somebody else besides the Camp Commander who would look directly after the patients?
- A. The POW Doctor would communicate the matter to the Camp Commander, the Camp Commander would in turn communicate the matter to the Camp Commandant and upon receiving permission from the Camp Commandant, the Camp Commander would have the patient hospitalised.
- The second method would be that the POW medical officer would communicate with the Camp Commander and the Camp Commander would get

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2nd WITNESS FOR DEFENCE - Dr. SATO (ACCUSED).

EXAMINATION IN CHIEF -- Dr. PASSEGA (Cont.)

in touch with the medical officer. Then the Medical Officer would express his opinion to the Camp Commandant, and if permission would be granted, the patient would be hospitalised.

DEFENCE: In Col TOKUNAGA'S evidence the words 'Commander in Charge of the Camp' were used instead of Camp Commander because it would cause confusion with Camp Commandant, in the future will you also refer to the Camp Commander as Commander in Charge.

COURT: While we are on this subject and for the record, when witness refers to Camp Commandant in the above does he mean Col TOKUNAGA.

WITNESS: Yes, that is correct.

COURT: When he referred to the Japanese Medical Officer does he mean himself?

WITNESS: That is correct.

DEFENCE: Now, will you continue your explanation.

- A. The third method was, the POW Medical Officer would get in touch with the Japanese Medical Officer - the Japanese Medical Officer would express his opinion to the Camp Commandant, and the Camp Commandant would order the hospitalization.
- Q. In case of an emergency, when it is very urgent to have a patient hospitalised, what procedure would be taken?
- A. As I said before, one of the three methods, which I have just explained.
- Q. If permission was received, who was responsible, and in what way was the patient transported to the hospital?
- A. The Camp Commandant would order the transporting of a patient to the General Affairs Section and the General Affairs Section would be in charge of the transporting of the patient to the hospital.
- Q. On the way to the hospital, who would be responsible for the nursing of the patient?
- A. Sometimes a Japanese medical staff member would go with the patient; /go sometimes a POW medical staff member would /with the POW patient.
- Q. You have said in your evidence that only the POW medical staff was responsible for the diagnosis and treatment of POW patients, but now you have just said that during the transporting of a POW patient, sometimes a member of the Japanese medical staff would go with the patient; these two statements do not seem to compare with each other; could you explain yourself more clearly?
- A. It is the fundamental rule that a member of the POW medical staff would go with a patient during the transportation to the hospital; sometimes a member of the Japanese medical staff would go with the patient only to assist.
- Q. Next, I would like you to give a detailed explanation of the condition of the huts in the POW Camp; divide your explanation between SHAN SHUI PO Camp and the NORTH POINT Camp?
- A. About the accommodation for the POWs - the Intendent Officer was in charge of this in conformity with the order of the Camp Commandant. I will explain now, as far as I know, the conditions of the accommodation, beginning with SHAN SHUI PO Camp.

In SHAN SHUI PO Camp there were about 80 huts of 6 meters ^{rec} x 40 meters ^{rec} in size. Besides this, there was the Jubilee building. At the beginning the roofs of these wooden huts seemed to leak. There were

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2nd WITNESS FOR DEFENSE -- Dr. SAITO (ACCUSED)

EXAMINATION IN CHIEF -- Dr. NASEGAWA (Cont.)

no windows; even the window frames were taken out of the windows in the huts. In each hut about 80 to 90 men were quartered. Generally, there were beds in most of the huts, but some of these huts had no beds. Also there were no windows and window frames in the Jubilee building. The Jubilee building was divided into several small rooms.

At NORTH POINT there were about 30 huts of 7 meters^{Rec} by 40 meters^{Rec} in size. at NORTH POINT all of the huts were equipped with beds. Many men were accommodated in these huts -- about 130 men were accommodated in each hut. Because of the large number of men in each hut, double-tier wooden beds were built in the huts.

Q. Is that all you wish to say?

A. Yes.

Q. From your professional viewpoint what did you think of this condition?

A. From a sanitary point of view, this condition was a little bad and I expressed my opinion to the Camp Commandant.

Q. Do you know whether the POWs ever made any complaints or requests concerning about the accommodation?

A. I received some such complaints and representations. These were received from Major General HALLIDAY; also from Lt Col ^{Rec} R. R. R. After each occasion, when I received such a representation, I would express my opinion to the Camp Commandant.

Q. Did you yourself actually receive the representations or did someone else who received the representation ask you about the matter from a medical point of view?

A. I only saw the representations that someone else received.

Q. You have said that at NORTH POINT in a hut 7 meters^{Rec} x 40 meters about 120 to 130 men were quartered; if so many men were crowded into such a hut, what danger would arise?

A. If it was summer, and the weather became hot, if some sort of epidemic broke out, a very dangerous situation would arise.

Q. What was your estimation of the number of men that could regularly be accommodated in such a hut? There are various standards -- and the standard of the British Army and the standard of the Japanese Army would be different; would you give your estimation in accordance with the Japanese standard?

A. To answer this question I must explain -- when a person is in a room he requires a certain volume of air. According to the Japanese standard the volume required would be 12 cu. meters^{Rec}. First of all I will give you my observations concerning the NORTH POINT Camp. Let us hypothetically estimate the height of the hut at NORTH POINT as three meters^{Rec}. The cubic measurements of the volume of air in a hut at NORTH POINT would be 40 times 7 times 3. If this was divided by 12, the answer would be 70.

COURT: That is 70 men is your estimation of the number that could be accommodated?

WITNESS: According to the Japanese standard 70 men could be accommodated in such a hut.

The Court is adjourned until 1000 hours -- 15th January 1947.

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Camp SAILLON.

A. (JUL.) In both sides of this camp, at a height of about 50 cms. boards were placed over the holes. In places where there were no beds these platforms were used in place of beds.

C. How did the number of POWs that were interned decrease in numbers?

A. I heard from the Camp Comdt. that proper clothes outside of the camp and SHANSHUO Camp were not available. Also I heard it was very difficult to obtain material to increase the number of huts that were already in the camp. In SHANSHUO, between August and September 1942 a large number of POWs were sent to SHANSHUO. In October 1942 Camp was transferred to the vacancies in SHANSHUO. In November 1943 there was a big draft sent to SHANSHUO. Because of this there was a considerable vacancy in accommodation. I expressed my opinion that I would like to have this vacant accommodation utilized fully. I expressed this opinion fully to the Camp Comdt. The Governor for me said that part of this vacant accommodation would be used and because of this I could not get in the way of this. It was during this time that the number of huts, i.e. 80 to 90 in a hut decreased more or less. My ideal of 60 men to a hut was not realized. I understood fully that the huts in SHANSHUO were over-crowded, also the Camp Comdt. realized that these huts were over-crowded but were also because there was no other suitable accommodation available this could not be helped. I think because material was unavailable huts could not be built. This situation at SHANSHUO continued until the end of September 1942, when the camp was moved to SHANSHUO. After SHANSHUO was moved to SHANSHUO the huts in SHANSHUO were as crowded as those in SHANSHUO. About this capacity of the hut it was a big concern for me. I expressed my opinion to the Camp Comdt. and he fully understood the situation. This situation was not improved until the end and I regret that it was not.

C. Was it a fact that at the end of 1942 the Japanese occupation force of HONG KONG decreased in number?

A. About this I do not know very much.

C. Next I will ask about medical equipment at the POW camp. I will ask you later about tools and surgical instruments but now I will ask about sanitary equipment. I wish to know about the wards and hospitals that were available, what sort of buildings and other auxiliary equipment attached to these wards. Will you explain about these in relation to SHANSHUO and SHANSHUO?

A. About sanitary equipment at SHANSHUO camp the biggest problem that arose was the latrines. As I think about it now the number of latrines compared to the number of POWs quartered was small. Because some of the latrines were damaged they could not be used. About the drainage system and the available number of latrines I expressed my opinion to the Camp Comdt. Another problem was the drains at SHANSHUO Camp. The mouth of the drains at SHANSHUO was always protected with barbed wire fencing. Because of this the mouth of these drains from time to time would become choked and water would become stagnant. I understood fully that if water became stagnant it would be detrimental to sanitation.

C. Is that all you wish to say about SHANSHUO camp?

A. In SHANSHUO there was a hospital that was built. This was built in 1943. I think almost all of the sanitary equipment attached to the accommodation.

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Part. C. 25.

A. Std.) Next I will explain about the camp hospital at SHAN-WEI. Compared with other camps it had windows and ladders. As I saw it, the roofs of the camp hospital did not leak. There was a sufficient number of beds but there also there was a shortage of latrine facilities. At the beginning of the year hospital at SHAN-WEI there was a large number of dysentery patients. In the summer of the hospital about 10 buckets were used. Later from lines in the hospital and in the other camps could be found used. At SHAN-WEI from November 1942 to 1943 building was made available as a hospital. In March 1943 both of former camp hospital and the hospital at SHAN-WEI building was closed down and moved somewhere else inside SHAN-WEI Camp. The place where the hospital was moved, the roof did not leak and there were window panes in the windows and I think the accommodation was good. Ventilation and sunlight were, I think, sufficient. This is the general outline of conditions at SHAN-WEI hospital.

[illegible]

Q. There is testimony saying that the SHANGHAI, South side latrines there was a large number of flies. Is this a fact?
A. The reason why there was a large number of flies was firstly they may have come from the latrines and they may have come from outside. I do not think flies could be bred inside of SHANGHAI camp. East and south of SHANGHAI there were Chinese tenement huts; especially to the east were broken-down Chinese tenement huts where nobody lived. On the southern part, across the road the camp faced Chinese tenement houses. Part of the north side was made up of marshy places. I think the flies bred from the Chinese tenement huts, roach huts and these marshy places. I do not think flies bred within the camp. In other words, it could be said that the environment of SHANGHAI camp was bad.

Q. Were there any bed bugs and other insects in the camp?
A. I think there were a large number of bed bugs in the camp but I do not know where these bed bugs came from. Besides bugs there was a large number of mosquitos. Inside the camp there was no pool of water from where the mosquitos could be bred. These mosquitos do not breed and come from outside.

2. If your explanation is becoming lengthy: I will ask you to stop about STOP STOPPING. What steps did you take to solve this situation? Improved?

because some of the latrines were not closed and because latrine excavations were not done to this could be the fundamental cause of an unsanitary situation and I think this unsanitary situation would be the origin of disease. At the situation, I fully explained to the Sam about the situation, about drains being water covered it would be the origin of disease. Also about the latrines of being not closed and about the unsanitary situation would be the origin of disease and would spread disease.

Q. About the barbed wire fencing at the home of Springs, was this a 100 foot wide fence?

A. There is no entry in the record there.

Cap. S. I. I.

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A. Ctd. 1. The room was over-crowded. Compared to the number of beds that were assigned to there was shortage of lavatory facilities. As at SHANGLIN, the raw holes were bad, a few holes were better. The conditions here are really improved. But it is not that good.

A. Do you wish to say anything else?
water facilities at RTI. It was quite the same. There was plenty of water and I do not think there was any case of inadequate supply. I think that is all I have to say about latrine facilities and the water supply.

There is a testimony given that in the vicinity of 1000
1017 Ave. there was a sort of dump and road. The
owners of 1017 Ave. are this tract.

Q. What was the situation of the camp, how it is?
A. The camp hospital, called "H" was an eastern Chinese house, different from the wooden huts. As I saw it, no water leaked from the roof but the doors of the building were not complete; and neither were the windows complete. Because of this the rain might have blown in during windy weather. I think these deficiencies were repaired by using available material. The beds inside this hospital were made up by ordinary stretchers.

Q. Were there sufficient beds?

A. There were from 10 to 15 beds and the situation at the time was that if there was a large number of patients there would be a few deficiencies.

A. About all this unsilitary circumstances I have just explained, because I thought it would be the only diagnosis I expressed my opinion to the Court of St.

[illegible]

4. About 1000000 of the same size, it is noted that could be obtained at the time we need it in any quantity.

There is no way for me to know if this is a time
that would be a possibility of both. Don't this be
the only one.

4. As at this time, I was in Detroit, I did not know of the fact that [redacted] had been called the night before last and had been taken to the hospital.

[illegible]

The Cont. re. *amended* 1400 hours.

15th January 1947.

3rd WITNESS FOR DEFENCE -- Dr. SAITO (ACCUSED).

EXAMINATION. L. CHIEF (Mr. MASAGAWA) Cont.

- Q. This afternoon will you explain what sort of rations were issued to the POWs. By that I mean the rations that were issued to all POWs in all the Camps; SHAN SHAN PO Camp, NORTH POINT Camp, ANGYLL STREET Camp, BOWEN ROAD Hospital and the INDIAN HOSPITAL?
- A. The Intendent Officer was in charge of the rations in conformity with the order of the Camp Commandant. But it was a great concern from the medical viewpoint as to what sort of rations were issued. About rations - because of this, I will now explain as far as I know, about the matter. About the amount issued to each man, this was set down on a *fixed* scale. I think that this fixed scale was stipulated by the Governor General. I think that this scale was divided into a Labour Scale and a Non-Labour Scale. The amount of rice issued in the non-labour scale, I think, was 430 grammes of rice as the staple food. In the labour scale the amount issued was 610 grammes. In the supplementary rations; for the non-labour scale I think it was: vegetables 300 grammes, meat stuff 50 grammes, cooking oil 20 grammes, sugar 5 grammes, salt 5 grammes and tea 3 grammes. In the Labour scale the amount issued was: vegetables 450 grammes, meat 100 grammes, cooking oil 20 grammes, sugar 10 grammes, salt 10 grammes and tea 3 grammes. As I remember it, the scale was like this. If the calorific value of the non-labour scale was calculated it would come to 2,200 calories. The labour scale, if it was calculated would come to about 2,600 calories. In the SHAN SHAN PO Camp and in the other camps, the amount issued was in accordance with the number of Non-Labour and Labour personnel in the camps, according to this fixed scale. To continue my explanation; for the first year rice and flour were issued. The amount that was distributed was: Non-Labour - 360 grammes of rice and 120 grammes of flour. For Labour the scale was 450 grammes of rice and 160 grammes of flour. By Labour, at the beginning, I mean the POWs who worked outside of the Camp; and POWs who worked inside the Camp did not receive Labour rations at first. In the SHAN SHAN PO Camp and in the other camps, Labour rations and Non-Labour rations were received, but the POWs, amongst themselves, distributed the amount evenly. By that I mean that the Japanese side issued rations by dividing them into Labour rations and Non-Labour rations, but the POWs cooked the rations and then they distributed the cooked food; they did not make any difference between Labour and Non-Labour rations and distributed the food equally. Then, if the number of men who received Labour rations and the number of men who received Non-Labour rations were the same, and if the rations were divided equally, that means that a POW would receive 2,400 calories each. If the number of POWs who received Labour rations was one, and the number who received Non-Labour rations were two, then each POW would receive - if it was divided evenly, 2,333 calories. If the number who received Labour rations was one and the number who received Non-Labour rations three, and if this was divided ~~smoothly~~ evenly, each person will receive 2,300 calories. If the number that received Labour rations was one and the number that received Non-Labour rations were ten, then each POW would receive 2,236 calories. By that I mean that if the number of persons who received Labour rations increased, then the number of calories that each person would receive would increase. At the beginning, at the SHAN SHAN PO Camp, on the average, each POW received 2,330 calories. For the first six months at the SHAN SHAN PO Camp, because the issuing of rations did not run smoothly, each POW received about 2,000 calories. That I mean to say by not running smoothly, is that the issuing of vegetables did not run smoothly, and besides this, as I remember it, the issuing of meat was not done properly. First of all, I wish to explain if a Non-Labour person received 2,200 calories what would happen. By Non-Labour this means persons who did not do any work or patients. For such persons I think 2,200 calories would be sufficient. About the 2,600 calories for Labour, by that I mean persons engaged in hard labour. By hard labour I mean, for instance, if a hill was excavated; or the transporting of heavy dirt or rocks; or cultivation work. Persons that were engaged in this kind of work were generally known as hard labourers. But

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This afternoon will explain what sort of rations were issued to the POWs. I mean the rations that were issued to all POWs in all the camps; S.A. S.I. PO Camp, S.A. S.I. PO Camp, S.A. S.I. PO Camp, S.A. S.I. PO Hospital and the I.I. PO Camp?

The Interim Officer was in charge of the rations in conformity with the order of the Camp Commandant. But it was a great concern from the medical viewpoint as to what sort of rations were issued. About rations - because of this, I will now explain as far as I know, about the matter.

About the amount issued to each man, this was set down on a fixed scale. I think that this fixed scale was stipulated by the Governor General. I think that this scale was divided into a Labour scale and a Non-Labour scale. The amount of rice issued in the non-labour scale, I think, was 400 grammes of rice as the staple food. In the labour scale the amount issued was 310 grammes. In the supplementary rations; for the non-labour scale I think it was: vegetables 500 grammes, meat stuff 50 grammes, cooking oil 20 grammes, sugar 8 grammes, salt 6 grammes and tea 6 grammes. In the labour scale the amount issued was: vegetables 400 grammes, meat 100 grammes, cooking oil 20 grammes, sugar 10 grammes, salt 10 grammes and tea 6 grammes. As I remember it, the scale was like this. If the calorific value of the non-labour scale was calculated it would come to 2,200 calories. The labour scale, if it was calculated would come to about 2,600 calories. In the S.A. S.I. PO Camp and in the other camps, the amount issued was in accordance with the number of non-labour and Labour personnel in the camps, according to this fixed scale. To continue my explanation; for the first year rice and flour were issued. The amount that was distributed was: non-labour - 600 grammes of rice and 120 grammes of flour. For Labour the scale was 450 grammes of rice and 180 grammes of flour. By Labour, at the beginning, I mean the POWs who worked outside of the Camp; POWs who worked inside the camp did not receive Labour rations at first. In the S.A. S.I. PO Camp and in the other camps, Labour rations and non-labour rations were received, but the POWs, amongst themselves, distributed the amount evenly. By that I mean that the Japanese side issued rations by dividing them into Labour rations and non-labour rations, but the POWs cooked the rations and then they distributed the cooked food; they did not make any difference between Labour and non-labour rations and distributed the food equally. Then, if the number of men who received Labour rations and the number of men who received non-labour rations were the same, and if the rations were divided equally, that means that a POW could receive 2,400 calories each. If the number of POWs who received Labour rations was one, and the number who received non-labour rations were two, then each POW would receive - if it was divided evenly, 2,666 calories. If the number who received Labour rations was one and the number who received non-labour rations three, and if this was divided ~~evenly~~ evenly, each person will receive 2,500 calories. If the number that received Labour rations was one and the number that received non-labour rations were ten, then each POW would receive 2,233 calories. By that I mean that if the number of persons who received Labour rations increased, then the number of calories that each person would receive would increase. At the beginning, at the S.A. S.I. PO Camp, on the average, each POW received 2,333 calories. For the first six months at the S.A. S.I. PO Camp, because the issuing of rations did not run smoothly, each POW received about 2,000 calories. What I mean to say by not running smoothly, is that the issuing of vegetables did not run smoothly, and besides this, as I remember it, the issuing of meat was not done properly. First of all, I wish to explain if a non-labour person received 2,200 calories what would happen. For non-labour this means persons who did not do any work or accidents. For such persons I think 2,200 calories would be sufficient. About the 2,600 calories for Labour, by that I mean persons engaged in hard labour. By hard labour I mean, for instance, if a hill was excavated; or the transporting of heavy dirt or rocks; or construction work. Persons that were engaged in this kind of work were generally known as hard labourers. At

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3 D WITNESS FOR DEFENCE -- Dr. SAITO (ACCUSED).

EXAMINATION IN CHIEF -- Mr. NASEGAWA (Cont.)

for people that were engaged in light work, medium work -- I think 2,400 calories would be adequate. By that I mean persons who were engaged in the cookhouse inside the camp, or persons who were engaged in work like cleaning inside of the camp. Such persons would be known as light labourers. As I explained this, 2,236 calories would be sufficient for non-labourers. But for labourers that were engaged in light work it was calculated that they would need 2,400 calories. Therefore, for these light labourers, by calculation, it could be understood that there was a deficiency of 170 calories. Like in the first six months, when the issuing of rations did not run smoothly and only about 2,000 calories were issued, there would be a big decrease in the number of necessary calories, that is to say, in the case of non-labourers there would be a deficiency of 200 calories. For the light labourers there would be a deficiency of about 400 calories. After the first six months the issuing of rations began to run smoothly. At that time also the issuing of meat and vegetables was in accordance with the stipulated scale. After a year when the calculation of calories was taken it was found that the amount of calories that were issued fluctuated between 2,230 calories and 2,270 calories. By this it could be understood that for non-labourers this amount of calories would be sufficient but for light labourers there would be a slight deficiency. By that I meant there would be a deficiency of 130 to 170 calories for the light labourers.

- Q. You have given in detail the amount of calories that have been issued to light labourers; now, in the same way, will you give an explanation of the amount of calories that were issued to heavy labourers.
- A. The work that was done at SHAN SHUI PO Camp and at NORTH POINT Camp could be looked upon, at the least, as Light Labour or Hard Labour; that is, work such as cutting grass could be thought as Light Labour; later on such work as levelling a hill or work such as transporting heavy articles; work such as cultivation in Happy Valley; such work could be thought as Hard Labour. For such labour, at the least, 2,600 calories would be required. As I have just stated it was calculated that between 2,230 calories to 2,270 calories were issued; this means that there was a deficiency of between 370 calories and 330 calories. I forgot to state this but what I meant by meat in the supplementary ration is as follows: fresh meat, refrigerated meat; fresh fish, refrigerated fish, salted fish; by meat I meant such things.
- Q. By your explanation I understand what sort of rations were issued in the Camps, now, was there any special quality of ration issued to patients in the hospital?
- A. Patients in hospitals received non-labour rations; besides this, specially for the patients, milk was issued.
- Q. You said that for the first six months the supply of supplementary food stuff did not run smoothly; do you know the reason why the supply of such rations did not run smoothly?
- A. It was laid down fundamentally that vegetables should be bought locally -- I do not know the reason for sure because I was not in charge. About the supply of meat, meat was always issued by the Commissariat Supply Depot. I do not know the reason why the supply of meat was not adequate. About the supply of rations, after one year the supply of rations ran smoothly. Although I have said that the supply of rations ran smoothly after one year, the amount received was sufficient for the non-labourers. But for the light labourers there was a deficiency of 130 to 170 calories. About a year later persons engaged in labour inside of the Camp were considered as labourers and received labour rations. For the SHAN SHUI PO Camp, if the proportion of persons that received labour rations was set as one, and those that received non-labour rations set as 10, this would be the proper proportion. Hypothetically we would say that there were 4,400 POWs in the SHAN SHUI PO Camp. Then, we will

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3rd WITNESS FOR DEFENCE -- Dr. SAITO (ACCUSED).

EXAMINATION IN CHIEF -- Mr. HASEGAWA (Cont).

say that 4,000 of these were non-labourers and 400 were labourers. Of the 400 labourers, we will say that these persons were engaged in work outside of the camp and the persons who worked inside of the camp were light labourers. Then it could be calculated that if 300 of the 400 worked outside, then 100 would remain and work inside.

Then we will suppose that there were 1,600 POWs in the NORTH POINT Camp. (I wish to change 1,600 to 1,650) Of these we will say that 1,300 were non-labourers. Then we will say that of the remaining 150, 100 worked in grass-cutting work at the airfield and 50 worked inside of the Camp.

In the ARGYLL STREET Officer's Camp, hypothetically we will say that there were 450 men. Of these we will say that 450 were officers. The remaining 50, we will say worked inside of the Camp. Of these 50 men some were officer's batmen and some were persons who did duty in the cookhouse and also some were engaged in work with regard to the cleaning of the camp. From these figures if you calculate the labourers as one and the non-labourers as ten, the situation could be clearly understood. If the rations that were received were divided evenly, then, as I said before, each person would receive 2,236 calories. Then the conclusion would be that 2,236 calories would be adequate for non-labourers but it would not be sufficient for light labourers. The conclusion would be that labourers, in accordance with the labour they did, -- in the case of these labourers it could be understood that the more work they did the more the calories decreased. From 1943 until the end, on the average, the issuing of rations ran smoothly, and in conformity with the scale. By this it is clearly understood that the labourers did not receive adequate calories.

The Court is adjourned for five minutes recess at 1515 hrs.
The Court reassemble at 1520 hrs.

- Q. You just now explained about the rations that were issued to POWs; now will you explain what result this amount of rations had on the POWs?
- A. During the first six months there was a deficiency in the amount of calories that were issued and it resulted conspicuously on the POWs. Because of inadequate vegetables and meat supplies the following diseases broke out. First of all there was a marked loss of weight. Then, there were cases oedema. This oedema broke out because there was a deficiency in of proteins. The next disease that broke out was avitaminosis -- lack of vitamin A and lack of vitamin B. Because of the lack of vitamin B, beri beri and pella^{gra} broke out. Generally speaking, the lack of calories lowered the power of resistance in the body. I will now explain these in relation to the various camps; in the various camps, these various diseases broke out almost at the same time. The loss of weight was noticeable in all the Camps at the beginning. Oedema broke out in SEAN SHUI PO from March. Beri beri broke out in all the camps almost at the same time. From July 1942 pella^{gra} broke out. At NORTH POINT there were almost no cases of oedema. Cases of beri beri broke out from the end of February. In the Upper ARGYLL STREET Officer's Camp from the beginning of April beri beri broke out. About the lack of vitamin A, this happened almost at the same time as the breaking out of beri beri. Regarding BOWEN ROAD Hospital and the INDIAN HOSPITAL, there were no cases of avitaminosis among the medical staff. Among the cases of avitaminosis in the hospitals, this was because such cases broke out after the cases were sent in from the Camps. About the lack of resistance power in the body, this became noticeable in May and June.

COURT: Witness has given the Court a list of the months in which various illnesses broke out, will he make it quite clear in which year this was?

WITNESS: 1942.

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3rd WITNESS FOR DEFENCE -- Dr. SAITO (ACCUSED).

EXAMINATION IN CHIEF -- Mr. HASEGAWA (Cont).

DEFENCE:

- Q. You said that milk was issued to the patients, could you state the amount and over what period the milk was issued?
- A. At the BOWEN ROAD Hospital this was issued from February 1942 until the end of 1944. 150 bottles at the beginning was issued daily and later this decreased to 100 bottles daily. St TERESA'S Hospital -- 50 bottles daily were issued until the hospital closed.

COURT: What capacity were these bottles -- how much did they hold? Was the size of the bottle like this bottle on the desk or was it smaller?

WITNESS : About the same size -- They were the same sort of bottles in which milk is issued by the Dairy Farm.

COURT: The Court estimates the bottles issued as being pint bottles.

- A. I think 50 bottles were issued to the SHAL SHAI PO Camp and 20 bottles to the ARGYLL STREET Officer's Camp. Milk was issued over a period of one year.
- Q. This one year, when did it begin and when did it end?
- A. From February 1942 over a period of one year.
- Q. You have just stated in your evidence that the scale of ration was set down by the Governor General, but there was a shortage at the beginning, what steps did you take against this shortage of rations?
- A. I explained that there was a deficiency of calories and by that I think you can understand. Besides this, there are two other points I think which require explaining. First of all the type of food was switched over to the Japanese type of food; the next point is that the living environment of the POWs changed greatly. First of all, I will begin the explanation from the switch over of the food. In the European diet there is a large amount of protein and fats. In the Japanese diet there is a far lesser amount of fat and protein and there is a greater amount of carbohydrates. This had a great influence on the absorption of the food.

The next point is the big change in the living surroundings of the POWs. This change in the living surroundings had a great effect on the spiritual side of the POWs. This spiritual influence would have a big effect on the absorption and digestion.

COURT: Will you ask witness to explain what he means by the word 'absorption' a little further; does he mean the value of the diet or the actual amount of food that one is able to absorb into his system. He has used the word twice.

WITNESS: The explanation would be quite difficult.

COURT: He has told the Court that the change over of the diet of the POWs from proteins and fats to carbohydrates had a marked effect on their absorption. Does he mean that the change in the diet altered the nutritional value that they got from the food?

WITNESS: When a European diet is taken, which includes a considerable amount of protein and fat, there is a digestive liquid that would be produced in the stomach to help digestion.

COURT: I think the Court understands now -- does he mean that in the change over from the European type of diet to the Japanese type of diet -- one effect was the Japanese type of diet was less easy to digest because of the lesser amount of this fluid produced.

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3rd WITNESS FOR DEFENCE -- Dr. SAITO (ACCUSED).

EXAMINATION IN CHIEF -- Mr. HASEGAWA (Cont.)

WITNESS: That is not right -- I will try to explain. In an European, there is in the body a certain liquid that helps in digesting European food. In a Japanese, in his body, there is a certain digestive food that helps in digesting the Japanese type of diet. That is to say, in an European there is enough digestive fluid to digest fats and proteins, but in an European the amount of digestive fluid to digest carbohydrates is much less than in a Japanese. In a Japanese diet the amount of fat and protein is small in quantity and there is enough, and in an European, compared with a Japanese, there is a lesser amount of digestive fluid required for digesting carbohydrates. Therefore, if the food is switched over to Japanese type of diet, there would be a large amount of carbohydrates, but in an European there would be a lesser amount of digestive fluid to digest carbohydrates.

- metabolism*
- Q. Next, will you explain what measures were taken concerning the food?
- A. There were four measures that were taken concerning the food: First of all self-production of food; secondly, food obtained from the canteen; thirdly food received from locally sent-in parcels; and fourthly food received in the Red Cross parcels. By these various foods it was able to meet the deficiencies in calories.
- Q. You just said that a fixed scale was set down concerning the rations and now you have said that by self production; food bought in the canteen; food received in locally sent-in parcels; food received in International Red Cross parcels; -- by these foods the deficiencies in calories were able to be made up; were there any other steps besides these that were taken?
- A. About this shortage of food; to alter this situation the laid down or fixed scale must be fundamentally changed. By this it would increase the staple food ration of a non-labourer by 30 grammes. And to increase meat in the supplementary food by 25 grammes. If this was done, the shortage in calories could have been made up; that is if this fundamental change in the rations was done the deficiency in the calories could have been made up. About the changing of the amount in the ration, there was a scale set down stipulated by the Governor General; therefore nothing could be done about altering this scale. The only step that the POW Camp could take was that even though a POW did only a small labour, this POW could be looked upon as a labourer. For instance, in the UPPER ARGYLL STREET Officer's Camp it was laid down that officers were not required to work; if officers at that time volunteered for work, then they would be looked upon as labourers and labour rations would be issued. This method was taken.
- Q. You said just now that if the scale of rations for the non-labourer was increased the problem of rations could have been fundamentally solved; was this something which you only thought about in your mind or did you actually try to have this situation altered?
- A. About the deficiency of calories, I fully explained the matter to the Camp Commandant. About this increasing of the scale by 30 grammes in the staple food and 25 grammes meat -- I thought about this myself and I passed this matter on to the Camp Commandant. If it was changed like this it would be the simplest way and it would be a very important step, but when I approached the Camp Commandant, he said that the scale was set down by the Governor General and it could not be altered.

The Court is adjourned until 1000 hours on the 16th January 1947.

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No.5 War Crimes Court.

38th Day's Proceedings of the Trial of Col TOKUNAGA
Isao, Capt SAITO Shunkichi, Lt TANAKA Hitoshi, Interpreter
TSUTADA Itsuo and Sgt HARADA Jotaro.

Held at Jardine Matheson's East Point Godown.

^{Rec}
The Court resumed On 16th January, 1947, at 1000 hours.

THIRD WITNESS FOR THE DEFENCE - Capt SAITO Shunkichi (Accused).

Prosecutor: Before the examination-in-chief commences, Sir, ~~now~~ I have here a document which Major Miles was asked to produce. He has made a copy^{Rec} of the extract which I will now submit.

President: You have the original document?

Prosecutor: The original document is here too, Sir. Here also are documents which you might examine at your leisure. I might say that Capt Benyon procured them and saw Major Miles.

President: The Court will check the certified extracts with the actual document during recess.

President: What are these ones? ^{Rec} ~~the documents?~~

Prosecutor: They were handed with the others by Major Miles to Capt Benyon.

President: These are Major Miles' own notes. What we wanted were extracts from books that were not actually Major Miles' own notes. However, we will look into them.

President: Will you explain to Mr Fujita that the Court asked for these certified extracts at the time when Major Miles was giving evidence, but owing to sickness and departure of a member of the Prosecutor's staff who was detailed to get them, they have only just now arrived.

After Dr Saito had been reminded by the President that he was still under his original affirmation, he was further examined by his counsel, as follows:

Mr Hasegawa: Yesterday you testified that POW did light work and that officers at Argyle Street Officers' Camp who volunteered for labour were given labourers' ration. How much did you participate in this matter?

Accused (Dr Saito): At the beginning, from the Governor-General there was a regulation saying that only POW who worked outside of the camp were to be considered as labourers. At the beginning of 1943 it was laid down that POW who worked inside of the camp would be considered as labourers. The camp commandant would decide who were labourers. I expressed my opinion to the camp commandant that officers at Argyle Street officers camp should be considered as labourers. The camp commandant thought that

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Capt Saito Shunkichi:

Accused(cont.): my opinion was reasonable and he decided that such should be considered as labourers. As I remember it, from the beginning of 1943 the camp commandant decided that POW who worked inside of the camp should be considered as labourers and such received labourers' ration.

Q. Yesterday you testified that although the rations were distributed according to labourers and non-labourers, POW themselves divided the rations evenly, that is, making no difference between labourers and non-labourers, and because of this you said that there was a shortage of rations for the labourers. If the POW did not divide the rations evenly and that labourers received their labourers' ration, would there have been a deficiency of rations for the labourers?

A. I think there would not have been a deficiency. By that I mean that POW who worked outside of the camp and also POW who worked inside of the camp would be given labourers' ration. Such POW were given labourers' ration from the beginning of 1943 and if this scale was carried out strictly I do not think there would have been any deficiency in the calories of the labourers. From the medical viewpoint I have discussed this point many times with the POW side at Shumshuipo camp. By that I mean that I have conferred about this matter with Major Robertson and Major Brown. Also I discussed the same matter later with Major Ashton-Rose. By that I mean I expressed my opinion to them, saying that the Japanese side divided the rations into labourers and non-labourers and that the rations should be distributed that way. They told me at that time that the POW received the rations they could not distribute the rations by making a difference. By that they meant that it was the thought of the majority of the POW who did not do labour to make no difference when the rations were distributed.

Prosecutor: Will you read the last part of the answer back please?

The required portion was read back by the shorthand writer.

President: From this I understand that the decision to pool all rations together so that everyone had a share equally was the decision of the POW themselves, the majority of whom did not go out to do outside labour. Will you ask the witness if this is so?

Accused: That is correct. By that I mean that the opinion of the majority who did not do labour was adopted. This opinion I heard directly from the POW doctor and I myself could not do anything about it. There is only one example that I know of. This happened in February 1945, concerning the work at Happy Valley. I heard that in this case the rations were divided between labourers and non-labourers, but I did not hear of any other instances that the rations were divided in this way.

Mr Hasegawa continued his examination:

Q. Yesterday you said that four counter-measures were taken to meet the rations, that is, self-production, food sent in by locally sent in parcels, food bought in canteen, food sent in by International Red Cross Parcels. Concerning these measures, as a medical officer, what part did you take in them?

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Capt Saito Shunkichi:

A. I will begin my explanation by explaining self-production. This opinion I expressed with the camp commandant and he agreed with me wholeheartedly. The camp commandant immediately expressed his wish that he would like to have this plan put into force as soon as possible to the various commanders in charge of camps. I as a medical officer recommended this measure to the POW doctors. In October 1942, I conferred directly with Major Ashton-Rose about this matter. At the beginning there was a doubt that the Japanese side might interfere with this plan of self-cultivation. At the beginning papaya and bananas were planted in a small way. In March 1943 this plan was adopted in a big way. At the Shumshuipo camp in the eastern and northern premises there was a considerable amount of vacant lots. The size of these vacant lots was about 100 by 150 metres. This place was cultivated and vegetables were planted and at the same time inside of the Shumshuipo camp fowls were raised. At the same time, also, ducks and pigs were raised. By the middle of 1943, these fowls, ducks and pigs increased considerably. I think there were about 200 chickens and about 100 ducks. Regarding the pigs which included big and small, there were about 60 heads. Waste food and vegetables that were raised by self-cultivation were fed to these fowls and pigs. At the Argyle Street officers camp in August 1942, this self-production was put into force.

Prosecutor: Will you check that date - August 1942?

Witness: Yes, I am sure it was before this measure was put into force at Shumshuipo.

Prosecutor: I just wanted to make sure of the year, that's all.

President: Will you ask the witness if this was in 1942?

Witness: This measure was put into force before Shumshuipo, therefore I am sure that it was sometime in 1942.

Prosecutor: I am not questioning that, Sir. I wanted to be sure that he got the right date.

Witness continues:

A(cont.): Inside of the officers camp, there was no vacant ground available. Because of this a vacant ground opposite the street of the Argyle Street officers camp was used. The size of this ground that was used was 40 by 60 metres. Later it was extended to 50 by 100 metres. At North Point camp there was no suitable ground for this self-cultivation, therefore this plan was not put into practice there. In this way by March, 1943, the measure of self-cultivation, self-production was adopted. The vegetables produced that were raised by this measure were given to the POW as extra addition to their ration. I do not know the amount of vegetables produced that were raised and I do not remember how much each POW received of the vegetables raised daily. Although the quantity might have been small, I think that it helped in increasing the calories received by the POW.

Q. About eggs that were produced from the poultry farm. Were these eggs given to the patients in hospital as stated in the evidence? Do you know what happened to them?

A. They were given to patients in hospital.

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Capt Saito Shunkichi:

Q. Who decided that these eggs should be given to the patients and do you know the number of eggs that were given to them?

A. About the matters concerning self-production, the Japanese side did not interfere and the POW themselves voluntarily decided on the matter. About distributing eggs to the patients the POW, because it would help their comrades, decided on this matter amongst themselves, I think. At times when I went to Shumshuipo camp Major Ashton-Rose informed me that a certain number of eggs were received to-day and he would be very pleased at the time. I remember clearly that sometimes he would say, "To-day I received 150 eggs," or something like that. I have forgotten to say before, but at Argyle Street camp in the same way poultry and ducks were raised. I have heard also that eggs produced there were given to patients.

Q. Next, will you explain the canteen?

A. As I was not in charge of the canteen I am not fully informed about the canteen, but I will try and explain as follows: I do not know positively that canteens were opened in the various camps, but I think that the canteens were opened two or three months after the POW were quartered in the various camps. As I have heard it, the POW officers who ~~did not~~ had been interned would receive a considerable amount of money according to their rank. I do not remember the details about this money. Privates and NCO who did labour outside of the camp, as I remember it, at the beginning received pay. At the beginning of 1943 POW who were engaged in work inside of the camp also received pay. By using this money as capital I think POW amongst themselves opened canteens. I think that in the most part tinned food and tobacco were sold in the canteens. It was laid down that officers in accordance with their pay would buy things from the canteen and privates and NCO in accordance with their pay they received for their work would buy tinned food and other things from the canteen. Excluding Argyle Street officers camp, the POW at Shumshuipo and North Point camps were mostly NCO and privates. Then those that received pay were those that were fit enough to do labour, therefore patients and non-labourers were those that did not receive pay and could not buy things from the canteen. Therefore in the end it would mean that the canteen was for the officers and for healthy NCO and privates who could do work. Of course, I think that things bought by the officers and by the healthy other ranks would be divided among their comrades. In this way canteens were established, but by the beginning of 1944 commodities advanced in prices greatly. However, the pay of the officers did not increase and also the small amount of money that other ranks received for their work did not increase. Because the prices of commodities advanced in 1944, it was a fact that things that could be obtainable in the canteen decreased in number.

Q. Next, will you explain the effect of foodstuffs received in locally sent in ~~parcels~~ parcels to POW?

A. Locally sent in parcels were sent by relatives and friends who were living in Hongkong. About the detailed facts about what sort of commodities were prohibited in these locally sent in parcels, I do not know. At Shumshuipo at the beginning, I think from 300 to 400 persons brought locally sent in parcels. As I heard it, at the Argyle Street officers camp 50 to 60 persons brought these parcels. By this it meant that POW who had friends or relatives in Kowloon or Hongkong would receive these parcels. These parcels in some way, I think, contributed to the betterment of the rations.

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Capt Saito Shunkichi:

Q. Next, will you explain what effect the food received in the International Red Cross parcels had on the POWs?

A. An assignment of International Red Cross parcels came once in the end of 1942 and once in February, 1945. I know of only two assignments. As I heard it, most of the things that were sent were made up of food-stuffs. I think that the food-stuff that was sent was the most suitable food-stuff for the POWs bodies. They were very nutritious. As I remember it, these food-stuffs were made up of a considerable amount of proteins and fats. Next I will explain what effect this suitable food had on the bodies of the POWs. Towards the end of 1942, there were many POWs who were suffering from epideminitis. Also there were many POWs who were convalescing from diphtheria. Such patients, I think, were from 400 to 500. After the International Red Cross food-stuffs were given to these patients, they had a remarkable effect on the improvement of the health of those patients.

Prosecutor: If it pleases the Court, may I say, with all deference, that ~~none~~ of these things are in dispute?

President: The Court is not prepared to interfere with the way the defence wishes to conduct its case.

Q. Is that all you wish to say?

A. I have finished.

President: I think this will be a convenient point at which to have an adjournment to enable the Court to check the documents received.

ADJOURNMENT

At 1123 hours, the Court adjourned.

RESUMPTION

At 1140 hours, the Court re-assembled.

President: The certified true extracts from ledger No. 3, Folio 31, relative to emetine, which was referred to by the witness for the prosecution, Major Miles, are handed to the Court by the prosecution and will be read by the Court now.

The documents are read.

President: This ^{see} ^{see} ^{see} extract has been checked with the ledger by the Court and found to be correct, are initialled by the President, marked "E5" and attached to the proceedings.

EXAMINATION BY DEFENCE COUNSEL IS CONTINUED.

Q. You have explained what you observed were the effect these measures had on the POWs and you also stated what effect the Red Cross parcels had on the POWs. Will you now explain if you took any actual steps further than this to better the food situation of the POWs?

A. When assignments of Red Cross food-stuffs were received at the end of 1942, I thought that if all the food-stuffs were given to the POWs at once, they would be immediately exhausted. I thought that if the food-stuffs were divided into lots and distributed at different dates, it would have a greater effect on the POWs. I expressed this opinion to the Camp Commandant and he agreed with me. This assignment, which was received

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Capt Saito Shunkichi:

during the end of 1942 was divided into two lots which were distributed, the first lot on the end of 1942 and the second lot during March, 1943. In March, when the weight of the POWs was taken, the following information was known. By supervising the POW doctors weights of the POWs were taken from March, 1943 and then the next three months, it was found that there was a considerable increase in the weight of the POWs. In March, when the weight was taken, it was found that there was an average increased weight in the POWs of 1.5 kilograms. This increase of 1.5 kilograms was maintained during the next three months. After that, the weights began gradually to decrease. The conclusion that can be drawn is that food-stuffs in the Red Cross parcels had a definite effect in increasing the weights of the POWs.

Q. Did you receive any complaints or representations about food-stuffs from the POWs?

A. I did. In February, 1942, I received such a complaint from Maj-Gen Maltby. This was at the Shamshuipo Camp.

Q. Did you directly receive the complaint?

A. No, not directly from Maj-Gen Maltby. I received a complaint from Lt-Col Shackleton at the Argyle Street officers' camp sometime in August or September, 1942. I received also a complaint from Capt Strahan of the Indian Military Hospital. In March, 1943, I received a detailed complaint from Lt-Col Bowie. Also in August, 1942, I received a complaint from Lt-Col Home. After each time I received the complaints, I reported the matter to the Camp Commandant. About the betterment of food-stuffs, I expressed my opinion in detail to the Camp Commandant.

Q. About the betterment of food-stuffs, you have said that various measures were taken. In what degree was the food-stuffs of the POWs improved?

A. After one year, the food-stuffs issued to the POWs were issued in accordance with the scale stipulated and it was always issued that way. I said yesterday that although the rations were issued smoothly, there was a deficiency of 130 to 170 calories. I think this deficiency was made up by the food-stuffs raised at the farm, the food-stuffs received from locally sent in parcels, food bought from the canteen and food received in the International Red Cross parcels.

Q. You said that from March, 1943, over a period of three months, the weight of the POWs increased but after this period the weight of the POWs gradually decreased again. By this, cannot the conclusion be drawn that the issued amount of food-stuffs was not enough?

A. The reason why over this period the weight of the POWs increased was that during that time, food-stuffs were received in the International Red Cross parcels. After that date, under my supervision, the POW doctors carried out weight measurements of the POWs and it was found out that the average weight of the POWs was kept at 60 kilograms until the end.

Q. Next, will you explain what sort of diseases were rampant among the POWs?

A. First of all, I will explain avitaminosis. A vitaminosis is caused by the deficiency in vitamins and the conclusive reason why there is a deficiency in vitamins is that such vitamins were not found in the food-stuffs. By the disease of avitaminosis, I mean that there were two types, deficiency of Vitamin A and deficiency of Vitamin B. At Shamshuipo Camp in April, 1942, there were cases of beri-beri. In April and May, there were from 200 to 300 patients. At Shamshuipo Camp until the end of 1942, there was an average of 50 new cases per month of beri-beri. The disease pellegra was actually diagnosed as pellegra during the

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Capt Saito Shunkichi:

end of November, 1942. The first symptoms of pellagra is almost exactly the same as beri-beri. Strictly speaking, it can be said that pellagra broke out from July to August, 1942. From February, 1943, there were hardly any new cases of pellagra. As for beri-beri although the number decreased, as I observed it, from 20 to 30 new cases of beri-beri broke out. As for North Point camp, during the end of February, 1942, the first cases of beri-beri broke out. The condition was such that there were from 20 to 30 new cases of beri-beri per month. At North Point, until the time the Camp was moved to Shamshuipo, there were no cases of pellagra. On the other hand, in the Argyle Street officers' camp in April, 1942, the first cases of beri-beri broke out. The condition was such that from 10 to 15 new cases of beri-beri broke out per month. As for pellagra at the officers' camp, there never was a case showing actual symptoms of pellagra. Among the POW medical staff at Bowen Road Hospital and the Indian military hospital, there were no cases of avitaminosis. The reason why there were patients suffering from avitaminosis was that these patients were hospitalised from other camps. About the deficiency of Vitamin A, there never was a strictly noticeable case. Avitaminosis is caused by deficiency in Vitamin A or B but it is very hard to strictly state whether there is a deficiency of Vitamin A or B. I think it would be better to diagnose the disease as avitaminosis when it cannot be strictly decided whether the disease was beri-beri or pellagra. There were cases showing the symptoms of deficiency in Vitamin A and B but there were no other cases showing deficiency in other vitamins.

Q. What steps were taken against these diseases?

A. The fundamental reason of these diseases was the shortage of food-stuffs, especially because during the first six months of 1942, the supply of meat and vegetables did not run smoothly. I think that to prevent a disease, it would be absolutely necessary for food-stuffs issued in accordance with the scale. In April, 1942, when there were many cases of beri-beri patients in Shamshuipo Camp, I explained in detail this opinion to the Camp Commandant. At that time, the Camp Commandant seemed to be worried about the matter and he consulted with the Intendent Officer. However, during the six months, the issuing of food-stuffs did not run smoothly. In the beginning of 1943, for the first time, the issuing of food-stuffs ran smoothly. As counter-measures, the following drugs were made available: at the time when there was a large number of beri-beri patients in Shamshuipo Camp, that is, March, 1942, a large supply of yeast tablets was received from the Commissariat Supply Depot. About indenting for this yeast tablets, the Intendent Officer was in charge, that is to say, my opinion to the Camp Commandant was adopted and the Camp Commandant ordered the Intendent Officer to indent for these tablets. Also I tried my best to make available Vitamin A injections and Vitamin B in powdered form. In December, 1942, as a measure against pellagra, I made available some nicotinic acid. About the buying of these drugs, in conformity with the orders of the Camp Commandant, I bought the drugs locally. As a measure against deficiency in Vitamin A, I did my best in conformity with the orders of the Camp Commandant to buy cod-liver oil. In this way, although I tried my best to buy and make available drugs, in the conclusion drugs were not adequate.

Q. What was the result of the disease?

A. The result was that there were many deaths.

Q. There is evidence saying that deaths from avitaminosis were changed to something else. Do you know anything about this?

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Capt Saito Shunkichi:

A. The Camp Commandant never gave an order that the reason of death from avitaminosis should be changed, but he said not to use the word "malnutrition," which might have arisen from avitaminosis.

ADJOURNMENT

At 1235 hours, the Court adjourned until 1400 hours.

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The Court re-assembled at 1400 hours.

16 January 1947.

3RD WITNESS FOR DEFENCE -- Dr. SAITO (ACCUSED).

EXAMINATION IN CHIEF -- Mr. HASEGAWA (Cont).

- Q. This morning you explained about avitaminosis -- what other diseases were prevalent at that time?
- A. There were cases of dysentery. From the beginning of February 1942 there were cases of dysentery prevalent at the SHAN SHUI PO Camp. I think there were about 100 cases. Also in the INDIAN MILITARY HOSPITAL on Upper Argyle Street there were about the same number of patients hospitalised there. At the beginning of February 1942 at NORTH POINT Camp there were only about 10 to 15 dysentery patients. At the BOWEN ROAD Hospital there were about 50 dysentery patients hospitalised.
- Q. When you say there were about 50 dysentery patients at the BOWEN ROAD hospital, what date do you mean?
- A. By that I mean dysentery patients from the NORTH POINT Camp were hospitalised at the BOWEN ROAD Hospital and by February 1942 there were about that many dysentery patients in the hospital. I will now explain how dysentery became prevalent in the camp. If you look through the history you can understand that dysentery and war go together. This applies to Hong Kong also and at the end of the Hong Kong battle, that is, the end of 1941, there were many cases of dysentery among the soldiers. The reason why there were many cases of dysentery during the war was that adequate prevention measures could not be carried out. This is the reason why, when we took over at the beginning of 1942 there were so many cases of dysentery. Another reason was because the SHAN SHUI PO Camp was overcrowded and had inadequate latrine facilities. Also, the same reason would apply to the NORTH POINT Camp. For the most part, under the orders of the Camp Commandant, dysentery patients were hospitalised in the ST TERESA'S Hospital. On the other hand in the various camps the following prevention measures were carried out. At the beginning the stool of a dysentery patient was thrown into the sea. This throwing of the stool into the sea was considered very unhealthy. I expressed this opinion to the Camp Commandant and the Camp Commandant agreed with me. Because of this, in accordance with an order of the Camp Commandant, the throwing of stools of dysentery patients into the sea was prohibited. To meet the inadequacy of latrine facilities, like I have explained before, temporary holes were dug to meet the need. Stools thrown in these holes were covered so that after the hole was used no flies would come. On the other hand, all useable latrines were disinfected by using lime, and after the use of the latrine it was laid down that the user should wash his hands with water in disinfectant. Also, there were many flies at that time and steps were taken to exterminate the large number of flies. In exterminating flies, Major COLLENS took a very active part and a large number of flies were exterminated. The Commander in Charge of the Camp at that time, SAKAKI, took an active part in exterminating flies. Cigarettes would be awarded as prizes to help in exterminating flies. In this way various preventive measures were taken and the number of patients gradually decreased. The peak of this disease was in April or May 1942, and after that date, the tendency towards this disease began to decrease. On the other hand at the NORTH POINT Camp, in almost the same way, preventive measures were taken. The Intendent Officer was in charge of insecticide and other disinfectant drugs such as lime and he did his utmost to receive as large quantities as possible. I think this is a general outline of how preventive measures were taken against dysentery.
- Q. By the dysentery you just have just stated, do you mean bacillary dysentery or amoebic dysentery?
- A. The larger part was bacillary dysentery and there were only a few cases of amoebic dysentery.
- Q. You have just stated what preventive measures were taken; were there enough drugs and medicine for the treatment of patients who had dysentery already?

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3rd WITNESS FOR DEFENCE -- Dr. SAITO (ACCUSED)

EXAMINATION IN CHIEF -- Mr. HASEGAWA (Cont.).

A. There was quite an amount of difficulty in procuring drugs. By that I mean that in February 1942 I went to the Medical Department to try and procure drugs. I consulted with the Medical Departmental Chief, but at that time it was not understood how drugs would be issued to POWs. From the middle of February to the end of February I went frequently to the Medical Departmental Chief and asked him about the matter. I wished, at that time, to receive emergency drugs for the treatment of dysentery. In accordance with an order from the Camp Commandant, in the middle of February 1942, it was decided to transfer the POWs in the STANLEY FORT. At the same time, in accordance with an order from the Camp Commandant, some magnesium sulphate was brought to the camp. At that time to treat dysentery only magnesium sulphate was available at the STANLEY FORT. The amount was about 100 kilograms. This drug was the only drug available with which to treat dysentery. In accordance with an order of the Camp Commandant this drug was distributed amongst the SHAN SHUI PO Camp, NORTH POINT Camp, the INDIAN MILITARY Hospital and the SCOTLAND ROAD hospital. In April 1942 it was decided that drugs for the POWs could be purchased locally. At that time the amount of money for this purpose, that was allotted was very limited; it was about 10,000 Yen, Japanese money. With this money, in conformity with an order from the Camp Commandant, from April until October 1942, drugs were bought in Canton. The reason why drugs were bought in Canton was that there was a big difference in the price of drugs in Hong Kong and in Canton and that the prices of drugs in Canton were much cheaper. By that I mean because the amount of money that was allotted was limited, it was considered better to buy the drugs cheaper in Canton. If it was possible to buy drugs freely here in the necessary quantities, there would have been no necessity of going to Canton. I went to Canton, and at that time, for the time being, I procured the necessary drugs to treat dysentery. From November 1942 until July 1943 drugs were bought locally in Hong Kong. The reason why, over this period drugs were bought in Hong Kong, was that two or three Japanese firms were established in Hong Kong. Because the prices of drugs in the Japanese firms were almost the same as the prices in Canton, there was no necessity in going to Canton to buy drugs. However, the amount received from the Camp Commandant was 10,000 Yen and there was no increase in this amount.

COURT: During what period was that 10,000 Yen received; was it for a year or six months or one month or what?

WITNESS: For a period of one month.

COURT: For one month 10,000 Yen was received?

WITNESS: 10,000 Yen was received per month.

From April 1942 the prices of drugs gradually increased and by 1943 prices were very high. Also, in Hong Kong, necessary drugs to treat dysentery was bought. To treat bacillary dysentery a very good drug called Triamon was bought; also emetine was bought to treat amoebic dysentery. In this way, within the scope possible, drugs were bought. Although the prices of drugs went up, the amount of money that was made available was the same. Because of this, the amount of drugs that could be stocked decreased. About this matter I frequently spoke to the Camp Commandant and I heard that the Camp Commandant tried his best to increase the amount of money, but he could not do so. From August 1943 until the end, drugs were made available through the Camp Commandant from the Japanese Army hospital.

1. What do you mean by 'through the Camp Commandant'?
2. By that I mean that the Camp Commandant would indent on the Japanese Army hospital.

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3RD WITNESS FOR DEFENCE -- Dr. SAITO (ACCUSED)

EXAMINATION IN CHIEF -- Mr. HASEGAWA (Cont).

- Q. You have now explained how drugs were procured -- can you say whether the drugs procured were sufficient to treat the dysentery patients?
- A. The amount of money received from the Camp Commandant was limited, and with this limited amount of money, not only drugs to treat dysentery but other drugs had to be bought. Because of this I do not think that a sufficient quantity of drugs to treat dysentery could be bought.
- Q. Do you remember that the Camp Commandant, in his evidence, said that if it was necessary, temporary amounts of money to buy drugs could be made available, do you remember that?
- A. I remember -- but in the case of dysentery I can say positively that this did not happen. By that I mean the allotted 10,000 Yen was not increased and over this amount no other amounts of money were received.

COURT: The Court is adjourned for five minutes recess at 1515 hrs.
The Court reassembles at 1520 hrs. RCL

- Q. From your evidence just now I take it that until April 1942, when this plan of purchasing drugs locally was put into force, until then the POW Camp was not able to procure drugs. Is that correct? That is, you said that some magnesium sulphate was made available from the STANLEY FORT but besides this were there any other ways of procuring drugs for the POW Camp?
- A. It is so.

COURT: Explain to the witness that the question put to him by Counsel is in two parts; the POW Camp was able to procure drugs until the scheme for local purchase was put into force -- witness stated before that time some magnesium sulphate was obtained from STANLEY FORT; apart from that was there any other means of procuring drugs -- his answer 'it is so' does not answer the question -- what we want to know is before this scheme was put into effect could the POW Camp organisation get drugs, and if so, in what way?

WITNESS: As I explained before, some time in the middle of February 1942, in accordance with an order by the Camp Commandant, I consulted the matter with the Medical Departmental Chief. The answer I received at that time was that it was not decided whether the POW Camp would buy drugs locally or whether it would indent for drugs on the Japanese Army hospital. I said that because drugs were absolutely necessary at the POW Camp, something must be done about it. I passed the message about the Medical Departmental Chief not knowing on to the Camp Commandant. As I heard it, after receiving my report, the Camp Commandant himself went to the Governor General's Office. But as I heard it, the result was that it was not known from where the POW Camp would receive the drugs. Drugs were absolutely necessary, and in conformity with an order from the Camp Commandant, I went to STANLEY FORT and procured magnesium sulphate.

COURT: To sum up, from the time that you took over as medical officer of the POW Camps until the local purchasing scheme started you were not issued with any drugs from anyone and the only drugs you managed to get at all was this magnesium sulphate which you got from STANLEY FORT, is that correct?

WITNESS: That is correct.

COURT: And from whom in STANLEY FORT did you get the magnesium sulphate?

WITNESS: In the middle of February 1942 there were 100 POWs interned in the STANLEY FORT. This STANLEY FORT was

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3-D WITNESS FOR DEFENCE -- Dr SAITO (ACCUSED)

EXAMINATION BY CHIEF (Cont).

closed in the middle of February 1942 by the Camp Commandant. There were no patients amongst these POWs and from the drugs that were there, in conformity with the Camp Commandant's order, magnesium sulphate was made available.

COURT: You mean that the magnesium sulphate belonged to that body of POWs?

WITNESS: That is correct.

COURT: This was part of the supply of British Medical stores which they had with them?

WITNESS: Yes, that is correct -- there were some POWs at STANLEY FORT and the drugs belonged to those POWs.

- Q. From your evidence it is clear that there were many cases of dysentery in the various camps and that drugs to treat this disease was not sufficient, then what was the result of this disease?
- A. Because of the inadequacy of drugs and because the shortage of food increased, the result of the disease was that there were many deaths.
- Q. What was the average percentage of deaths among dysentery patients? By that I mean, when there is an adequate supply of drugs and sufficient rations?
- A. I cannot say positively but I think from two to three percent.
- Q. Even in the case of bacillary dysentery is this the same?
- A. If, hypothetically speaking, sufficient nutrition and drugs were available, the percentage would be in such small numbers.
- Q. In many statements it is mentioned the original disease - dysentery - was altered on the death certificates, do you know whether this was a fact or not?
- A. This was a fact. By that I mean to say, at the beginning of August 1942. At that time the Camp Commandant inspected the BOWEN ROAD hospital. Of course, I was included in the inspection party. At that time on the inside of the dysentery ward it was written plainly in Japanese "dysentery". When the Camp Commandant saw this on the wall he asked if all the cases were dysentery or not. ~~From~~ I said that that these were not bacillary dysentery or amoebic dysentery in a bacteriological sense but that these cases were decided as dysentery from a clinical sense of view. Therefore, there might be some patients who were suffering purely from enteritis. The Camp Commandant insisted that if the cases of dysentery were proved as dysentery from a bacteriological standpoint, they could be called dysentery, otherwise, they should not be called dysentery. However, I insisted that in the Japanese Army if dysentery was known from a clinical viewpoint it could be called dysentery, but the Camp Commandant did not listen to me and strongly insisted on what he said before. Because of this, in conformity with an order from the Camp Commandant, all cases of dysentery were to be called enteritis.

DEFENCE: Mr. President, will you please hand Exhibit U to the witness.

COURT: Is that the exhibit in Japanese characters?

DEFENCE: Yes, in Japanese characters, sir.

COURT: Are there any other exhibits that you wish to show witness at the same time?

DEFENCE: That is the only one at present sir.

COURT: The Court will adjourn until the document is brought from upstairs. *The Court adjourns. Rec.*
The Court reassembles. *Rec.*

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3 D WITNESS FOR DEFENCE -- Dr. SAITO (ACCUSED)

EXAMINER IN CHIEF -- Mr. HASEGAWA (Cont).

DEFENCE: Now will you look at Exhibit U. Will you look at the outline of the drugs entered there. Also look at the item where it says "condition of drugs". By looking at that can you say there was a shortage of drugs; your evidence in Court and the meaning of the contents in that document do not tally, can you comment on that? If you know, before you make your comment, can you say who made this report and who the report was addressed to?

WITNESS: I think this report was sent by the Camp Commandant to the POW Information Bureau concerning the sanitary condition of the POW Camp. In this document it says that abundant quantity of drugs could be bought locally. Also it is stated here that there is an abundant supply of drugs and there is no worry about the matter. But I think that the statements in this document are the opposite of the actual facts at that time.

- Q. Do you know who actually made the contents of this document? About such sanitary matters were you not in charge?
- A. As I was in charge of sanitary matters I made a draft concerning sanitary conditions and handed the draft to the Camp Commandant. According to my knowledge, I did not write anything in my draft stating that there was an abundant quantity of drugs. I did not write a draft saying that actually when there was no medicine available that abundant medicine was available. Therefore, I think that there is a great difference between what I wrote in my draft and what is stated in this document.
- Q. Do you know why your opinion as a medical officer was not used in making such a document?
- A. My job was only to write and draft medical reports and hand such to the Camp Commandant. The Camp Commandant would send such reports to the POW Information Bureau, but I would not know the actual contents of such reports. However, although the report actually does not tally with the actual condition, the POW Information Bureau would always acknowledge the report as true. I think that the Camp Commandant made additions and alterations to my draft report.
- Q. Then, that means that your opinion as a medical officer was not used; there must have been a reason why your opinion was not used, do you know if there was such a reason?
- A. By this document and by the Order to have the death name of dysentery altered it can be fully understood how the Camp Commandant disregarded my opinion. Not only did he not listen to my opinion but he distorted the actual facts.
- Q. However, you did not answer my question -- I asked you that there must have been a big reason why the Camp Commandant did not use your opinion, can you state this reason?
- A. This is what I presume -- the Camp Commandant wished to hide the actual bad sanitary conditions of the Hong Kong POW Camp.
- Q. Is there anything else you wish to express about dysentery?
- A. Generally, this is all.

COURT: Mr. HASEGAWA, do you wish to retain the document for examination tomorrow?

DEFENCE: It will be alright if I returned the document today, but I wish to borrow it again tomorrow.

COURT: Will you inform Capt KOSHILOFF of any other document in Japanese which you may require before the Court assembles.

DEFENCE: I understand.

The Court is adjourned until 1000 hours on the 17th January 1947.

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No. 5 War Crimes Court.

39TH DAY'S Proceedings of the Trial of Col TOKUNAGA
Isao, Capt SAITO Shunkichi, Lt TANAKA Hitoshi, Interpreter
TSUTADA Itsuo and Sgt HARADA Jotaro.

Held at Jardine Matheson's East Point Godown.

The Court re-assembles R.C.
On 17th January, 1947, at 1015 hours.

THIRD WITNESS FOR THE DEFENCE - Capt SAITO Shunkichi (Accused).

After he had been reminded that he was still under his original affirmation, Capt Saito (Accused) was further examined by his counsel, as follows:-

Mr Hasegawa: Yesterday you explained about dysentery. Were there any other diseases prevalent at that time?

Capt Saito: The next big epidemic disease was diphtheria.

Q. Will you explain next in detail about this ~~dy~~ diphtheria epidemic.

A. The first case of diphtheria broke out in the Shamshui-po camp on June 27, 1942. First of all there was one diphtheria patient and later two diphtheria suspect patients. As soon as it, the disease, broke out, it was reported to the camp commandant and in compliance with his orders the patients were entered into the St Teresa's Hospital. When the three suspect diphtheria patients at Shamshui-po were discovered throat swabs of those patients were taken and the swabs sent to the Military Anti-Epidemic Centre for examination.

President: Could you explain whether this Military Anti-Epidemic Centre was in the same building and the same organisation as the civilian Bacteriological Institute which was taken over, or was it a separate organisation altogether?

WITNESS R.C. Saito: It was entirely different from the Bacteriological Institute.

President: Where was it?

WITNESS R.C. Saito: It was in Austin Road in Kowloon. It was at the corner of Austin Road and Nathan Road.

WITNESS R.C. Saito continues:

A(cont.): This Military Anti-Epidemic Centre was a subordinate unit attached to the Governor-General's office. This Anti-Epidemic Centre assisted in preventing disease in the various units of Hongkong. If there was any examination required by the various units in Hongkong they would submit the examination to this Anti-Epidemic Centre where examination would be carried out.

Q. As I understand it, this Anti-Epidemic Centre was something independent from the POW camp; therefore, could the POW camp directly communicate with this Anti-Epidemic Centre?

A. No, I could not, that is the various commanders of the units in Hongkong would communicate with this Centre. In my case, under the camp commandant's order, I would liaison with this Centre. The result of the examination according to the

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Capt SAITO Shunkichi:

A(cont.): to the report was negative. The symptoms of the three patients that were hospitalised in the St Teresa's Hospital showed the suspicion of real diphtheria. I think that at the end of June, 1942, one of those suspected diphtheria patients died. In accordance with an order of the camp commandant one of the POW doctors carried out an autopsy of the patient that died. The POW doctor took a small part of the lower part of the trachea for examination under a microscope. The result of this microscopic examination showed that this was a real diphtheria case. Observing the remaining two diphtheria suspect patients closely they showed real symptoms of diphtheria, but it could not be positively diagnosed as diphtheria. The reason for this is that there are many germs similar to the diphtheria germ. At that time the Bowen Road Hospital kept only a small quantity of anti-diphtheria serum, about 20,000 units. I reported this to the camp commandant and in compliance with his permission and order the serum was brought from the Bowen Road Hospital. This diphtheria anti-toxin was used on the two suspected diphtheria patients. The result was very good and the two patients almost fully recovered. By a clinical examination, by microscopic examination and by this experimental use of the anti-diphtheria toxin, it was discovered that positively there were diphtheria cases at the Shamshuipo camp. Because diphtheria became prevalent at Shamshuipo camp, I thought that at that time preventive measures must be taken. I expressed this opinion to the camp commandant and the camp commandant immediately ordered that preventive measures should be taken. I encouraged the POW medical staff at Shamshuipo camp to take the following preventive measures:- First of all the POW doctors were required to examine the throats of all POW every morning. All cases of sore throats and light cases of tonsillitis were segregated. Such patients were segregated and it was required that when there was a slight suspicion of diphtheria this should be reported. Immediately after such reports of suspected diphtheria patients were received, this was reported to the camp commandant and suspected diphtheria patients were immediately hospitalised, at the St Teresa's Hospital. Secondly, disinfectant of the buildings was carried out. This disinfectant work was done by using creosote and carbolic acid. After each occurrence of suspected diphtheria patients, by using these drugs, the hut where they were quartered was disinfected. Thirdly, before each meal POW were required to gargle by using potassium pomegranate solution. Fourthly, the POW were required to fumigate their clothing and bedding in the sun. Although these various preventive measures were taken, in July there was a new diphtheria case daily. At the end of July there were about 40 ~~new~~ diphtheria patients. In August the patients increased slightly and there were about two patients daily. In August there were 67 cases of diphtheria.

President: When witness said that in August there were 67 cases, does he mean there were 67 new cases in that month?

WITNESS Saito: New patients.

ALL WITNESS ALL
Saito continues:

A(cont.): In September, although the preventive measures were strictly carried out there were 65 new patients. About the rest I will continue later. At the beginning of July, 1942, there was a sign that diphtheria would become an

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Capt SAITO Shunkichi:

A(cont.): epidemic. The camp commandant went to the Governor-General's office to apply to have a detachment of the Epidemic Centre sent to the POW camp. To help this application to be recognised I myself went to the Medical Department of the Governor-General's office to see what I could do. Col Eguchi was the Medical Departmental chief at that time. I met this Medical Departmental chief once in about every 10 days and tried to help in having the application for a detachment to be sent to the POW camp. I asked that a detachment should be immediately sent to the POW camp and I received the following answer:- At this time the Anti-Epidemic Centre was doing their utmost to stem the present cholera epidemic in Hongkong. Also there were cases of cholera amongst the Japanese units and the Anti-Epidemic Centre was extremely busy in stemming this epidemic. Also the strength of the Military Anti-Epidemic Centre was very small, therefore it was impossible to send a detachment. This was the answer I received. About this, when I returned I reported it to the camp commandant. I told the camp commandant that I tried my best and it was impossible for me to do any more. In ~~applying~~ ~~ix~~ applying for permission to the Medical Departmental chief I told the camp commandant at that time that I wished him to see the Governor-General or the Medical Departmental chief himself. However, until the end of August no steps from the Anti-Epidemic Centre was taken. On the other hand on August 11, 1942, one patient was entered into the Bowen Road Hospital from the North Point camp. This patient died after a few days. The name of the disease from which this patient suffered was Ludwig's Angina. Later, every two or three days one or two patients showing the same symptoms of this patient were hospitalised in the hospital. The name of the disease from which these patients suffered was Vincent's Angina. This disease showed the tendency of sporadically breaking out.

President: Which disease, the Vincent's Angina or the Ludwig Angina?

WITNESS Saito: Both of the diseases.

WITNESS

Saito continues:

A(cont.): Because both of these Angina diseases broke out sporadically I thought it was very peculiar. At that time such a disease as Angina did not break out in an epidemic and at that time because of this I suspected that these diseases were something else. At the end of August, 1942, one of these patients died and an autopsy was carried out. Examination material was taken out of the throat and sent to the Military Anti-Epidemic Centre for examination. The result of this examination showed clearly that there were diphtheria germs. The patients that were suspected from August 11, 1942, at the North Point camp, by this examination it was found out that these patients were diphtheria patients. From August 11, such patients were microscopically examined by POW doctors at Bowen Road Hospital, but the result of the microscopic examination showed no diphtheria germs. Therefore because of this the names of the diseases were Vincent's Angina and Ludwig's Angina. At the end of August, as a result of the examination carried out by the Anti-Epidemic Centre it was known positively that such diseases were diphtheria. Therefore I suspected that such patients that broke out from August 11, 1942, at the

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Capt SAITO Shunkichi:

A(cont.): North Point camp were diphtheria patients. At the North Point, same as in the Shamshuipo camp, in compliance with the order of the camp commandant the same sort of preventive measures were taken, that is to say, the POW doctors would carry out throat examinations. Patients were hospitalised at the Bowen Road Hospital in compliance with the order of the Camp Commandant. Where the disease broke out in the same manner the huts were disinfected. Also in the same way, clothing and bedding were disinfected in the sun. Although such preventive measures were taken at the end of August, there were 16 such new patients. Up to the time when North Point camp was moved to Shamshuipo camp, 65 such patients were entered into the Bowen Road Hospital. When the suspected patient broke out on August 11, 1942, at North Point Camp, I went again to see the Chief of the Medical Department to see if a detachment of the anti-epidemic centre could be sent to the POW camp. The answer was that the military anti-epidemic centre was extremely busy and also they had no extra men to despatch to the POW camp. On September 1, 1942, the Governor-General's office ordered the military anti-epidemic centre to send personnel to the POW camp to carry out throat inspection. In compliance with this order, from September 1st, 1942, throat examinations were carried out at Shamshuipo Camp. I asked the chief of the Medical Department to have the examination carried out at the same time at the North Point Camp, but the answer was that there were not enough men to do this. From September 1, 1942, the military anti-epidemic centre carried out throat examinations continuously at the Shamshuipo Camp. However, at Shamshuipo Camp, at the end of September, there were 65 new patients of diphtheria as I said before. After September 26, 1942, when the North Point camp was moved to Shamshuipo Camp, the epidemic of diphtheria became greater. That is to say, in October, there were 237 new patients at Shamshuipo Camp. Among the British POWs there were only 30 new patients of diphtheria but the rest of the diphtheria patients were Canadians. In November, 1942, there were 137 new diphtheria patients. Of this number, only about ten were British POWs. The remainder were all Canadian POWs. In December, there was a big decrease in the number of new diphtheria patients, and the number was only 19 new diphtheria patients. In January, 1943, there were hardly any patients and on February 7, 1943, there was only one patient and after this date, the diphtheria epidemic ended. That is to say, until February 7, 1943, when the diphtheria epidemic ended, there were altogether 718 diphtheria patients.

Q. What sort of examination did the military anti-epidemic centre make?

A. Mucus from the throat was taken. This mucus was put on a slide glass to be examined by microscope and also the mucus was put on a cultivating glass to be cultivated. Besides this examination of the mucus, the military anti-epidemic centre carried out disinfectant work.

Q. About the method of examination that the military anti-epidemic centre carried out, as I am a layman I do not fully understand. Does that mean that those who had germs were separated?

A. If a person who has only slight resistance power the body absorbs diphtheria germs, he would become a diphtheria patient but if the person with strong resistance power absorbs the diphtheria germs, he would only become a carrier of the diphtheria germs. Although this diphtheria carrier would not suffer from the disease himself, there would be a big danger that

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Capt SAITO Shunkiichi:

he would pass the germs on to ~~the~~ someone else. This throat examination was carried out to all the POWs in the camp. That is to say, daily about 500 POWs were examined. After this examination was carried out, if it was shown that germs were present then the POWs who had the germs would be considered as diphtheria germ carriers. Sometimes POWs among those diphtheria germ carriers who had a lesser resistance would become a real diphtheria patient. That is to say, from the date when such a carrier absorbs the germs, there would be a few days until the time when the disease would actually break out. The incubation period of the disease is considered to be about one week.

Q. Then the purpose of the throat examination was to segregate the carriers of the diphtheria germs, is that right?

A. That is right.

Q. Then you mean that from September 1, 1942, the anti-epidemic centre carried out throat examinations at the Shamsuipo camp and segregated all the carriers and besides that, the anti-epidemic centre carried out disinfectant work, is that correct?

A. Yes.

Q. You said that on September 26, the North Point camp was moved to Shamshuipo Camp. Were the POWs who moved to Shamshuipo Camp Canadians or British POWs?

A. The majority of the POWs in the North Point camp were Canadians.

Q. You said that after the Canadians were moved to the Shamshuipo Camp in October, the majority of the cases of diphtheria were Canadian cases. What relation would this large number of cases have with the preventive anti-diphtheria measures that the anti-epidemic centre took at Shamshuipo Camp?

A. The reason why I think the majority of cases were Canadians was because the anti-epidemic centre did not carry out preventive measures at North Point camp and also because the Canadians had only a slight medical knowledge.

Q. You said that there was an order from the Governor-General's office on September 1, 1942, that throat examinations and disinfectant work should be carried out at the POW camp by the anti-epidemic centre. Why did the anti-epidemic centre carry out work only at ~~Saban~~ Shanshuipo Camp and not at the North Point Camp? Was there an alteration in the order that was given?

A. There was such an order but because there was not a sufficient number of men, I think that is why it was not carried out.

President: I think this would be a convenient point at which to have a recess.

ADJOURNMENT

The Court adjourned at 1140 hours.

RESUMPTION

The Court re-assembled at 1155 hours.

The examination of D.W. No. 3, SAITO Shunkichi, was continued.

Q. You said that although in an order it was stated that the anti-epidemic centre should be despatched to North Point Camp, it never was ~~not~~ despatched, did you make any further application to have the anti-epidemic centre despatched to North Point Camp?

A. In the order it was clearly stated that the examination should be carried out at the same time both at the Shanshuipo and North

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Capt SAITO Shunkichi:

Point Camps but actually the anti-epidemic centre was only despatched to the Shamshuipo Camp and not to the North Point Camp. I thought at that time that it would not be sufficient only to have the anti-epidemic centre despatched to the Shamshuipo Camp and I wished to have it at the same time despatched to the North Point Camp. About this matter I applied to the Chief of the Medical Department. As I heard it, the strength of the anti-epidemic centre was not sufficient and they only could despatch a detachment to Shamshuipo Camp and not to the North Point Camp.

Q. You said that the reason why there was a large number of diphtheria cases among the Canadians in October, 1942, was that they did not take sufficient preventive measures. Do you know what the deficiencies were?

A. In one word it would be said that the medical knowledge of the Canadian POWs was very low. Also it could be said that the Canadian medical staff did not do their best. I will now give some examples in the way in which the Canadian POWs lacked medical knowledge. Firstly, the Canadians did not like the idea of gargling with drugs. The reason for this was because the gargle liquid made out of the drugs had a peculiar fish-like smell. Secondly, the Canadian POWs freely entered the segregation wards. This free entry into the wards was a great danger in contracting the disease. It was laid down that only Canadian medical staff could enter the segregation wards. Thirdly, at that time only a small amount of tobacco was made available to the POWs, that is to say, only the POWs that worked outside the camp at Shamshuipo received tobacco. This tobacco the Canadians passed around from mouth to mouth. This passing around of the tobacco by the mouth was the main reason why the germ entered by the throat. Another preventive measure was the using of the masks which I forgot to state before. The Canadians did not like the idea of using the masks and the majority of the Canadians did not use the masks. By these four reasons, it could be understood how the Canadian POWs were lacking in medical knowledge.

Q. You said that the Canadians entered the segregation wards freely. Was there such a segregation ward at Shamshuipo Camp? If there was such a ward, will you explain about it?

A. There was a segregation ward established. On August 15, 1942, in compliance with an order from the Governor-General's office, the St Teresa's Hospital was closed. At that time, the circumstances were such that in compliance with the order of the Camp Commandant, the patients at St Teresa's Hospital had to be moved to the Shamshuipo Camp. At Shamshuipo Camp, there was a segregation ward for diphtheria patients and for diphtheria germ carriers. This segregation ward was fenced in with the use of barbed wire and the entry was restricted. There was only one entrance to this ward and the circumstances at that time required that a POW wearing a mark of M.P. was posted there. Those were the circumstances at that time.

Q. Now will you explain about the disease of diphtheria itself?

A. Diphtheria is contracted through germs passing through the nose, throat or windpipe. By this, I mean that the germ is contracted on the membranes. Sometimes the germs could be contracted on the skin. Originally, disease of diphtheria was considered a child's disease and that adults would not contract it. By that I mean that the matter of resistance of the body against diphtheria must be considered. By that, I mean that a child's resistance power would be slight and an adult's resistance power would be strong. Because the disease spread among the adults like it did was because the resistance power of the adults was very weak. The reason why the resistance power was very weak was like I explained yesterday that the fundamental reason was that the food-stuffs were very bad. In other words, if the food was good, there might have been no cases

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Capt SAITO Shunkichi:

of diphtheria. In that case, if the food was good, if diphtheria had broken out, it would not have spread as much as it did. The reason why patients die of diphtheria are as follows: Among the Japanese it is considered that the reason why diphtheria patients die is because of suffocation caused by the growth of a pseudo-membrane. However, a patient would die quicker from heart failure caused by the disease than from suffocation caused by the growth of a pseudo-membrane. The reason for this is that there is a great difference in the situation of the body between a Japanese and a Westerner.

Q. What are the best drugs in the treatment of diphtheria?

A. Diphtheria serum is absolutely necessary in the treatment of diphtheria.

Q. Will you give the circumstances of this indispensable drug for the treatment of diphtheria patients when the diphtheria broke out in the POW camps?

A. When diphtheria broke out in the POW camp, it was considered that diphtheria serum was absolutely necessary for the treatment and it was considered that the purchase of this diphtheria serum was absolutely necessary. I expressed my opinion, saying that this drug was absolutely necessary to be procured by the Camp Commandant. The Camp Commandant told me to do my best and in compliance with his order, I tried my best to purchase this drug. At that time, there was an order saying that drugs for the POWs should be bought locally. At that time, for the time being, I tried to buy the drug in Hongkong. The condition of the pharmacies in Hongkong was such that there were no Japanese firms. It was decided that because of this, it could not be helped except to find the drugs in Chinese firms. As I was in the Army, I had no knowledge of the situation of the civilian drug stores. At that time, I consulted with the Chief of the Medical Department Eguchi. At that time, Col Eguchi was in charge of the supervision of the Civil medical section. At that time, I thought that Col Eguchi had knowledge of the situation of the civil medical section and also of the civilian drugs situation. At that time he introduced me to a civilian pharmacy. He told me that this pharmacy was one of the biggest and I should go there and see what I could do, so I went to this pharmacy. This shop was the shop next to the King's Theatre. Its name in Chinese was Tai Ah Chow (Great Asia Dispensary).

President: When you say King's Theatre, do you mean the King's cinema?

Witness: The cinema house in Queen's Road. I asked about diphtheria serum there. I bought at that time 20,000 units.

Q. Was it that the dispensary had only 20,000 units or you had only sufficient money to buy 20,000 units?

A. At that time that dispensary only had that amount. That was not sufficient so I asked the dispensary to see if they could procure the serum from other shops. The reason why I asked this shop to procure the serum from other shops was that I had no knowledge of the situation and organisation of the Chinese drug business in Hongkong. For this reason and because the Chief of the Medical Department said that this was a good dispensary to buy the drugs, I took the following method: I asked this shop to gather all possible amounts of diphtheria serum from other Chinese shops or other sources as I did not know the situation in Hongkong. About a week later, I received an answer that some serum was procured and was requested to go and get the serum. I do not remember the exact amount, but I think the amount I bought at that time was approximately 50,000 units.

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Capt SAITO SHUNKICHI:

President: In what month did you make this purchase?

Witness: In both cases in July, 1942.

President: And how much did you pay for this serum?

Witness: I cannot remember the exact amount clearly, but I think I paid from six to seven yen at that time for a lot of 1,000 units. Therefore the whole lot of 70,000 units cost from Yen 420 to Yen 490.

ADJOURNMENT.

At 1245 hours, the Court adjourned until 1400 hours.

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File Cal no-1415 hours.

17th January 1947.

3rd WITNESS FOR DEFENCE -- Dr. SAITO (ACCUSED).

EXAMINATION IN CHIEF -- Mr. HASEGAWA (Cont).

Q. This morning you said that the Chief of the Medical Department introduced you to a dispensary by the name of ~~SAITO~~ ^{SAITO} OW, and that you were able to buy in two lots, 70,000 units of diphtheria serum; besides this were you able to buy any more serum?

A. I do not remember the exact date but sometime at the beginning of August 1942 I was able to buy some serum. As I remember it the amount bought at that time was 30,000 units. As I remember it the price at that time was the ~~xx~~ same as before.

Q. Do you know whether this dispensary kept a ledger or not?

A. I saw a ledger once or twice. I happened to see this ledger on these occasions because I also bought disinfectant drugs besides diphtheria serum from this shop.

PROSECUTOR: Sir, may we know which shop this is -- is it the first one referred to or is this a second shop?

COURT: Was the second lot of diphtheria serum which you bought also purchased from the first shop?

WITNESS: Yes sir, the same shop.

Q. Do you know whether there was an entry for the drugs you bought from that shop in the ledger?

A. On each occasion that I bought diphtheria serum and other drugs an entry was made in the ledger, and I saw the entry. I think that if that ledger could be produced in Court as evidence, these purchases could be made clear. About this matter, before Christmas last I asked my Defence Counsel, Mr. HASEGAWA. The answer as I heard it was that the shop was unwilling to help the Japanese by producing the ledger. I regret very much that this ledger could not be made available and produced on that account as evidence in the Court.

COURT: Are you aware Mr. HASEGAWA that if you apply to the Court, the Court will have a subpoena served on this shop to produce the ledger.

PROSECUTOR: After enquiries, I understand the shop referred to is King's Dispensary and was known as Greater Asia Dispensary during the occupation.

COURT: Capt KOSTILOFF was an application made through you to this dispensary to produce this book?

DEFENCE: (Capt KOSTILOFF assisting Defence): I suggested to Mr. HASEGAWA to apply to the Court officially. I went to the shop where I saw one of the shop assistants -- the Manager was not there then -- and he said unless you apply to the Police we are not willing to cooperate.

COURT: All that is necessary is for some Manager or some employee of the shop to attend the Court and produce the ledger covering the dates in question, if the ledger still exists.

COURT: Mr. HASEGAWA, do you desire to make an application for a subpoena to be issued to produce this ledger if it is available?

DEFENCE: I wish to make an application, sir.

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3-D BUSINESS PO DEFENCE -- Dr. SAITO (ACCUSED)

EXAMINATION BY CHIEF (Cont).

COURT: If you will supply the Court, through Capt HOSTILOFF with the name and address of the place, and the document which you desire to have brought into Court, we will arrange for a subpoena to be served on this shop to produce the ledger.

DEFENCE: I understand.

PROSECUTOR: Sir, I think it would assist if the witness could say a little more exactly the date on which these purchases were made rather than sometime in August.

COURT: It is in the record that he bought the first supply in July 1942 and that he was not very clear about the exact date; similarly, later he said sometime in August 1942 he bought the second lot.

PROSECUTOR: He need not necessarily give the amount of the purchase but it would be advantageous if he could give an approximate date if he cannot state the exact date.

COURT: Will you ask the witness if he can remember a little more closely the approximate date when he bought these two lots of serum, and also whether he remembers whether he paid cash for it; whether he paid by some sort of draft or cheque; or Japanese Army notes?

DEFENCE: Will you answer the question.

WITNESS: The serum was bought in three lots.

DEFENCE: Did you pay cash after each purchase?
WITNESS: Yes.

- Q. In your evidence you said that you bought the first lot soon after the first cases of diphtheria at SEAN SHUI PO Camp, can you give a more exact date?
- A. I do not remember the exact date but it was some time before the 10th of July 1942.
- Q. Also, what was the amount that you bought at that time?
- A. The first lot was 20,000 units. I think it was a week later when I bought the next lot, and at that time the amount was 50,000 units; at the beginning of August, sometime before the 10th of August I bought the third lot, and the amount at that time was 30,000 units.
- Q. When you made the purchase was the purchase made out in your name or was it made out in the POW Camp's name?
- A. I think the purchase was made out in the name of the POW Camp, but actually I went to the shop myself and purchased the drugs, and at that time I told them that my name was Capt SAITO and they might have entered the purchase in my name.
- Q. Besides this shop did the Chief of the Medical Department introduce you to any other dispensaries in Hong Kong?
- A. In July I was only able to purchase 70,000 units of diphtheria serum. I reported to the Camp Commandant that this amount was not adequate to meet the needs. That is to say I told the Camp Commandant that for diphtheria patients, in the early stages, at least 5,000 units must be injected and therefore this amount would be sufficient for only 14 patients. But the situation was such that new patients were continually coming out. In answer to this the Camp Commandant ordered me to do my utmost to procure the serum. Therefore, I went again and spoke to the Chief of the Medical Department and told him that I was only able to procure this amount from that Chinese shop and asked him whether he

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370 WITNESS FOR DEFENSE -- Dr. SAITO (ACCUSED)

EXAMINATION IN CHIEF -- Mr. HASEGAWA (Cont.).

could introduce me to a second shop. The name of the shop was the New Asiatic Chemical Co. near HAITAN Airfield in HOWLOON. After receiving this introduction I went to this shop and was able to purchase some serum. The date when I bought the drugs from this shop was after I purchased the serum from the other Chinese shop. The amount purchased was about 100,000 units and at the same time I was continuously asking the dispensary near the King's Theater to see whether they could purchase serum from other Chinese shops and sources. At that time the ~~TAIPEI~~ Dispensary told me to go ~~to~~ to the following shop -- I do not remember the name of the shop but it was a dispensary opposite Lane Crawford & Co. The date when I bought the serum from this shop was after I bought serum from the New Asiatic Chemical Company. This was sometime in August; sometime after I bought the serum from the New Asiatic Chemical Co. The amount I bought at that time, as I remember it, is 30,000 units.

- Q. You said that you were able to buy from this shop -- the New Asiatic Chemical Co., 100,000 units, sometime in August, do you know whether this New Asiatic Chemical Co. kept a ledger or not?
- A. I asked for the serum that was kept in stock and at that time they had in stock 100,000 units and I asked them if they could get any more serum later on -- I do not know whether they made an entry in the ledger or not.
- Q. What other measures did you take to obtain the serum?
- A. As I said before in July I was only able to obtain 70,000 units of serum. About this inadequacy of serum, I time and again reported the matter to the Camp Commandant. I told the Camp Commandant, at that time to ask the POW Information Bureau whether they could obtain serum or not. Also, I reported to the Camp Commandant that the Chief of the Medical Department said that it was difficult to get further supplies of serum. Also I told the Chief of the Medical Department, at that time, that I was only able to obtain a very small amount of serum from the shops which he introduced me to and that the amount was still inadequate. Also, I asked the Chief of the Medical Department that I wished to have the military obtain serum for the POWs. I said that I had bought all the serum possible from the shops which he introduced to me. Also I explained to the Chief of the Medical Department that I asked the shops he had introduced me to, to find out whether they could obtain drugs from the other shops, and the result was that they could not. I told him that there was an examination centre for tropical diseases in FORMOSA and that serum might be obtainable from this centre. Also in TOKYO there was a laboratory for epidemic diseases and I said that serum might be obtained from them. At that time I told the Camp Commandant and the Chief of the Medical Department all the sources, that came to my mind, from where serum might be obtained. Also, at that time, in compliance with an order from the Camp Commandant, I went to Canton to buy drugs locally. There were three big Japanese firms in Canton. I tried to obtain serum from these firms but the result was nil. In August altogether about 160,000 units of serum was obtainable. There were about 70 diphtheria patients at that time and therefore there was a big inadequacy. At that time there were 70 patients and if an average of 5,000 units per patient was used, this was only enough for about 32 patients. As the amount was inadequate I continuously asked the Chinese shop to see whether they could obtain serum but the result was almost nil. In September, as I said, a Detachment of the Anti-Epidemic Centre was despatched to the SHAN SHAN Camp, and soon afterwards Col BRUCHI came on an inspection tour. At that time he inspected closely the number of diphtheria patients and the methods of prevention that the Anti-Epidemic Detachment was carrying out. Col BRUCHI went to each diphtheria patient, and I explained about the symptoms of the patient, and each time I would say that diphtheria serum was absolutely necessary. At that time Col BRUCHI said ~~that~~ ^{that} I will issue you some serum so you

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3RD WITNESS FOR DEFENCE -- Dr. SAITO (ACCUSED).

EXAMINATION IN CHIEF (Cont).

better come and receive it;" he ordered me in this way. I immediately went to the Medical Department and obtained serum; at that time the amount received, to my astonishment, was only 10,000 units. When I handed this amount of serum to the POW doctor he said that even the Chief of the Medical Department can only obtain this small amount. Also, at that time I was always trying to obtain serum from the Chinese shops, but I was not able to do so.

The Court is adjourned for five minutes recess at 1530 h
The Court reassemble at 1535 h

- Q. You have just been explaining that you asked the various Chinese shops to see if they could find serum for you from other sources the result was nil you said; will you continue your explanation from there.
- A. At the end of September 1942 I was able to again obtain some serum. In this case Col EGUCHI did his best and was able to obtain this lot. At that time about 700,000 units of serum was obtained. This serum was sent from the Epidemic Laboratory in TOKYO through the help of Col EGUCHI. This lot of serum was received at the end of September 1942, and at that time, there were already 130 diphtheria patients. Also, during the middle of October 1942, some more serum was obtained. This time also, through the auspices of Col EGUCHI, this serum was obtained. The amount received at that time was 4,800,000 units of serum. I think with this lot of serum the amount was sufficient. I think also that for patients who developed diphtheria after October, a sufficient amount of serum was administered. That is to say, up to the time of the last case of diphtheria, that is the 7th of February 1943, this amount of serum was adequate. This was the state of affairs regarding serum.

DEFENCE: I wish to ask the Court to show Exhibit U to the witness again.

Exhibit U is handed to the witness Acc.

- Q. There is a red line in the document which concerns diphtheria serum.
- A. Yes, I have noticed the red line.
- Q. Look at the place, dated 31st July, it says that 71,000 units of serum was issued, was this the lot that you bought from the dispensary next to King's Theater?
- A. That is correct.
- Q. Look at the place where it is dated 10th August, it says that 24,000 units of serum was issued; From what lot that you have stated in your evidence was this serum issued?
- A. This lot was bought from the dispensary next to King's theater; as I have said before.
- Q. Look at the place dated 31st August, it says that 124,000 units of serum was issued and also it says that an application for serum had been made through the good offices of the Army, was this amount bought from the New Asiatic Chemical Co. and from other shops?
- A. That is correct.
- Q. It says there an application for serum had been made through the good offices of the Army, does that mean what you have stated -- did you obtain the drugs through the Chief of the Medical Department?
- A. That is correct.
- Q. Look again at the document where it is dated 31st August and look at part 3 where it says concerning matters of prevention; at the end of the sentence it says that application had been sent to have a Detachment from the Anti-Epidemic Centre sent to take various prevention measures and next it gives a list where it says the places and the numbers of POWs where these measures should be taken against and it also says SHAN SHU I PO, the first branch camp, and it also says the 3rd branch camp, Hong Kong Island, does this mean the NORTH POINT Camp?
- A. That is correct.

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3rd WITNESS FOR DEFENCE -- Dr. SAITO (ACCUSED)

EXAMINATION IN CHIEF -- Mr. NASEBATA (Cont).

- Q. In your evidence you said that an application was made to have a Detachment from the Anti-Epidemic Centre despatched some time when the first diphtheria cases broke out, but according to the report it says that the application for a Detachment from the Anti-Epidemic Centre to be despatched was sent on the 31st of August; what relation has your evidence with this date?
- A. This is a consolidated monthly report dated 31st August of affairs from 11th August. Therefore any applications that were made in the month of August have been entered in the report dated 31st August.
- Q. What was the death rate caused by diphtheria?
- A. From the date that diphtheria broke out until the end altogether there were 107 deaths.
- Q. Please look at the place where it is dated 7th February 1943 -- it says that ever since the disease broke out there were altogether 687 patients; there were 718 carrier patients and 107 deaths; by diphtheria carriers is it meant that these patients did not actually show symptoms of diphtheria?
- A. That is correct.
- Q. In your evidence you said by the middle of February 1943 there were altogether 718 diphtheria patients, did you not make a mistake when you said this when you actually meant diphtheria carrier patients?
- A. There were 687 actual diphtheria patients.
- Q. In your evidence you said that the Chief of the Medical Staff issued you a lot of 10,000 units and later that he was able, through his good offices, to obtain from TOKYO two considerable lots; were all these lots of serum included in the expenditure of the Local Purchase Scheme?
- A. They were not part of the Local Purchase Scheme; at the end of July it was known that serum could not be obtained in large quantities through the Local Purchase Scheme, therefore, I applied for help, through the offices of the military. I myself tried my best to obtain serum through the Local Purchase Scheme but was not able to obtain sufficient quantities; therefore, I applied for help through the good offices of the military, and the serum that was obtained from the military was issued gratis.

The Court is adjourned until 1000 hours on the 18th January 1947.

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No. 5 War Crimes Court.

40TH' DAY'S Proceedings of the Trial of Col TOKUNAGA Isao,
Capt SAITO Shunkichi, Lt TANAKA Hitoshi, Interpreter TSUTADA Itsuo
and Sgt HARADA Jotaro.

Held at Jardine Matheson's East Point Godown.

The Court re-assembled 21st
On 18th January, 1947, at 1005 hours.

President: Mr Hasegawa, in connection with your request to have a witness for the defence produced, I think it is better in the interests of the accused, that the witness should be called at the conclusion of Saito's evidence and not in the middle. You are quite entitled to call him in the middle of Saito's evidence, if you wish, but on the other hand, what Saito has to say on this particular point afterwards will to some extent be weakened in the eyes of the Court because he would have heard what that witness has said. Therefore it is my duty to warn you that it would be better to call that witness after Saito has given his evidence and has been cross-examined.

Mr Hasegawa: I understand, Sir.

THIRD WITNESS FOR THE DEFENCE - Capt SAITO Shunkichi (Accused).

After he had been reminded that he was still under ^{bound by} his original affirmation, Capt Saito (Accused) was further examined by his Counsel, as follows:

Mr Hasegawa: Yesterday, you said that some serum was bought through the local purchasing scheme and because this was not sufficient, a large quantity of serum was obtained through the good offices of the Chief of the Medical Department. What relation did the doctor attached to the POW camps have with the Chief of the Medical Department?

WITNESS Capt Saito: The Chief of the Medical Staff is an officer of higher rank than any medical officer of the various units and he has more knowledge as a doctor than any other medical officer attached to the various units. The Japanese doctor would assist in the medical work in compliance with the order of the Camp Commandant and matters concerning supervision and instruction of this medical work would be consulted with the Chief of the Medical Department for his knowledge. The Chief of the Medical Department is in a position to direct the medical officers attached to the various units. A Japanese medical officer could ask and consult about various medical affairs with the Chief of the Medical Department. Between a Japanese medical officer and the Chief of the Medical Department, there is no question of orders, that is, the Chief of the Medical Department would not order a Japanese medical officer to do various things. If there is a necessity to give an order, this order would come from the Governor-General through the Camp Commandant. This order, then, would be passed on to the Camp Commandant to the Japanese Medical Officer. If preventive and anti-epidemic measures are necessary, the Camp Commandant would apply for a detachment from the anti-epidemic centre to be sent to the camps to the Governor-General's office. I would not make such an application. I would only try and help the application to be recognized by asking the Chief of the Medical Department.

Q. Yesterday, you said you asked the Chief of the Medical Department to obtain some serum through his good offices. That does not mean that there was such a system that you had to ask the Chief of the Medical Department, but you only asked the help of his good

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Capt SAITO Shunkichi:

Q.(Cont'd): offices, is that correct?

A. That is correct.

Q. Major Ando said in his evidence that there was a system in the Japanese Army called petition and that if there was nothing to obstruct this petition from the view-point of military strategy, the view-point would always be recognized. Did the Camp Commandant make such a petition to the Governor-General?

Prosecutor: I beg to submit this question should have been put to the Camp Commandant and not to the witness because in my view, the Camp Commandant is in a better position to answer it. It may not be in the rules, but I submit this for consideration, anyway. I think the rules say that evidence should be obtained from the best available source, and I submit that the evidence of this man on that statement is not as good as Tokunaga's.

President: I think that in view of the fact that to some extent the evidence given by these two accused has been adverse, if there is anything in the reply which would tend to assist the witness in the box, his counsel is entitled to ask him that question. RCL
sub
RCL

^{WITNESS RCL}
Capt Saito: In compliance with the order of the Camp Commandant, I tried my best to procure all possible drugs by the local purchase scheme. Because the Chief of the Medical Department had a fair knowledge of the civilian drug situation, I even asked the help of his good offices. However, I was not able to obtain sufficient quantities of the serum, and I continually expressed my opinion to the Camp Commandant. Therefore I think the Camp Commandant knew of the difficulties in procuring the drugs at that time. As far as I know, I do not know whether a petition sent by the Camp Commandant to the Governor-General would be recognized or not if the petition did not affect military strategy. Of course, the Camp Commandant would be familiar with the procedure with making petitions. I am sorry to say I do not know whether the Camp Commandant made such a petition or not.

Q. You said that in July, you were able to obtain 70,000 units and in August, 160,000 units from the local purchase scheme and that although you tried in various ways, you were not able to obtain locally any more serum. Because of this, you asked the good offices of the Chief of the Medical Department to obtain more serum. When did you do that?

A. In July, only 70,000 units were obtained and in August, 160,000 units. These amounts were not sufficient. I had already at that time asked the Chief of the Medical Department to obtain serum from the military through his good offices.

Q. Does that mean that you asked the good offices of the Chief of the Medical Department, in August, 1942?

A. Not in August, but towards the end of July, 1942.

Q. There was a system of local purchase of drugs for the POW camps in force. Therefore was it not difficult for you to obtain help in any other way?

A. It was laid down that drugs for the POWs camps should be bought through the local purchase system. However, the quantity obtained through the local purchase system was very slight. My opinion at that time was that diphtheria serum was absolutely necessary for the treatment of diphtheria and that this serum must be obtained. If this serum could not be obtained in sufficient quantities through the local purchase system, the only possible way for me to obtain this serum was to ask the help of the Chief of the Medical Department.

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Capt SAITO Shunkichi:

Q. You said that towards the end of July, you asked the good offices of the Chief of the Medical Department to obtain serum but you only received the serum towards the end of September, 1942. Do you know why it took such a long time to obtain the serum?

A. In fact, I went and asked the good offices of the Chief of the Medical Department many times to obtain the serum, but it was not given to me until towards the end of September, 1942. I do not know the reason why it took so long. It would be best if you asked the Chief of the Medical Department.

Q. This local purchase scheme of drugs for the POWs was in force at that time. Therefore, was it within the scope of authority of the Chief of the Medical Department to obtain drugs from other sources besides this local purchase scheme?

A. Of course, if drugs could be obtained from other sources, this regulation must be altered. About this difficult problem I don't know the details and I only did my duty in compliance with the order of the Camp Commandant and asked the help of the Chief of the Medical Department.

Q. Do you know whether the transport situation at that time was difficult or not? Because of operational reasons, was it possible, do you know, to send medicine by air from Tokyo?

A. I know nothing about that situation.

Q. Although you were not a regular ~~soldier~~ soldier -- you were only a departmental officer in the Army -- you must have had a general idea of the situation as an ordinary man in Hongkong. If you had such a general idea, can you tell the Court what it was?

A. I saw some transport planes coming to Hongkong. I also heard that these transport planes communicated with Tokyo. However, I did not know at that time how these transport planes were used.

Q. Although you asked for the help of the good offices of the Chief of the Medical Department in July, the serum was not forthcoming until the end of September. You said that you did not know the reason why it was delayed so long. Can you explain anything more about this matter?

A. I don't know anything about that.

Q. The reason why it was delayed, was it because you were only an auxiliary officer.....

President: I must bar that question. I have given great latitude to the defence counsel in asking leading questions, but this is too much. ~~To-day you have~~ been putting answers into the witness's mouth. The question is disallowed.

Mr Hasegawa (to Saito): Do you know what was the relation between the Chief of the Medical Department and the Governor-General?

Capt Saito: I was a medical officer and I spoke to the Chief of the Medical Department as a medical officer. I do not know what the relation of the Chief of the Medical Department was to the Governor-General.

Q. Now, I wish to ask you further about the local purchase scheme. You said that in July, 70,000 units and in August 160,000 units were obtained, but besides these you could not obtain any serum from the various dispensaries in the city. However, in a statement before the Court it was stated that POWs were able to buy serum through guards and interpreters. Do you know anything about this matter?

A. In this Court, I heard such evidence.

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Capt SAITO Shunkichi:

Q. There is also a statement saying that in May or June, 1942, about 900,000 units of serum were obtained through Selwyn-Clarke....

President: It was obtained for Selwyn-Clarke, not through him.

Q. That is what I asked. In the testimony before the Court, a witness said he was able to obtain about 900,000 units for Selwyn-Clarke. By this testimony, it could be understood that serum could be bought freely in the city. What is your opinion of the matter?

A. I heard in this Court that about 900,000 units of serum were procured for Dr Selwyn-Clarke in the Court; however, I did not know anything at all about the situation in Hongkong. In fact, I did not know which dispensary was a big one and which was a small one and I did not know which dispensary to go, to buy the drug. Also in fact I did not know what association the dispensaries belonged to, what was the organisation between the various dispensaries. However, at that time I heard that the chief of the Medical Department dealt in civilian sanitary matters and I believed that the chief of the Medical Department was familiar with the civilian medical situation. I had no knowledge of the medical situation, therefore I asked the help of the chief of the medical Department who was familiar with the situation. The chief of the Medical Department, because he was familiar with the situation, recommended me to the most influential dispensary, the name of which I have already given. At the dispensary he recommended, I was able to buy some serum. I told the store that I was not familiar with the drugs situation in Hongkong and asked the store to obtain ~~the~~ serum from other dispensaries. I asked the store to do this because I thought that at that time a dispensary should be the most familiar with the drugs situation.

Q. Witnesses named Hopkins and Henry Hsu said that at the time of the Japanese occupation of Hongkong, they had a large quantity of serum in stock. Did you hear this evidence?

A. I heard the evidence.

Q. Did you hear about these firms from the chief of the Medical Department?

A. The chief of the Medical Department did not introduce me to these firms.

Q. A witness in the Court said that the POW medical staff applied for a horse to make serum. Did you hear this testimony?

A. Do you mean, did I hear the testimony?

Q. Yes, that is what I mean?

A. I heard the testimony.

Q. Was that a fact or not?

A. I do not remember.

Q. By "I do not remember", do you mean there might have been such an application?

A. There might have been or there might not have been such an application. Anyhow I do not know about the application.

Q. Under the circumstances at the POW camp, do you think that at that time whether serum could have been made if a horse was supplied?

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Capt SAITO Shunkichi:

A. As I heard it, to make serum a considerable amount of sterilisation equipment is needed. The method of making serum, as I am not an expert in making serum, I do not know the actual details, but I do know that to make serum strict sterilisation must be carried out. At that time at Shamshuipo camp, there was no such sterilisation equipment. Therefore I think that under such circumstances, if a horse was supplied serum could not have been made.

Q. There is testimony before the Court saying that North Point camp was moved to Shamshuipo on September 26, 1942, but diphtheria patients were hospitalised in Bowen Road hospital until September 25, 1942, but during the night of September 25 some new diphtheria patients broke out and that these new diphtheria patients were not interned in the Bowen Road hospital but brought to Shamshuipo camp. Did you hear this testimony?

A. I heard the testimony.

Q. Do you know the reason why these patients were not hospitalised?

A. At North Point camp, when a patient was hospitalised the POW doctor would apply to the commander in charge of the camp. The procedure was ~~was~~ the commander in charge of the camp would report this application to the camp commandant and under the camp commandant's instructions and orders, the patient would be sent to the Bowen Road hospital. Until the night of September 25 most probably all the patients were entered into the Bowen Road hospital through the orders of the camp commandant because all applications sent to him by the commander of the camp. On the day of the moving of the camp to Shamshuipo on September 26, I was not present. About the new patients I did not know or had I received any reports on the matter.

Q. Lt-Col Crawford in his testimony stated that the cause of death from diphtheria was to be altered, but he did not alter the cause of the death certificate and wrote in the cause as diphtheria. Do you know anything about this matter?

A. I heard the evidence.

Q. Dr Coombes in his evidence in the Court said that he did not know of any request to have the cause of death from diphtheria in the death certificate altered. Did you also hear this evidence?

A. I also heard this evidence.

Q. Can you give the real facts of the matter?

A. A few days after the first cases of suspected diphtheria patients broke out at the Shamshuipo camp, the disease was diagnosed as real diphtheria. By that I mean that the POW doctors at the Shamshuipo camp had already suspected that the patients were suffering from diphtheria. The patients were entered into the St Teresa's hospital and a few days later it was definitely known as diphtheria. Then the doctors at the Shamshuipo camp knew because of this that such cases were diphtheria cases. However, on the other hand at the North Point camp the names of the disease of patients who were suffering from like disease were known as Ludwig's Angina and Vincent's Angina. It was thought at that time that these patients did not actually suffer from diphtheria but suffered

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Capt SAITO Shunkichi:

A(cont.): from ^{diphtheroid.} ~~diphtheria~~. About this ~~diphtheria~~ diphtheroid I received a report from Lt-Col Crawford on August 17, 1942. This report was a report in writing. Because it was in writing I remember clearly that the disease was not written as diphtheria, but diphtheroid. Also the POW doctors at the Bowen Road hospital diagnosed such disease as Ludwig's Angina or Vincent's Angina and not diphtheria. At the end of August as a result of the examination by the Japanese side, this disease was known for certain as diphtheria. By that I mean that by August 11 the Japanese side had suspected such disease as diphtheria and the POW side did not suspect the disease as diphtheria. I never heard of an order from the Camp Commandant that the name diphtheria should be changed to something else and also as I am a doctor I would not request the name diphtheria to be changed to something else.

Mr President: I think this would be a convenient point to have a five minutes recess. The Court is adjourned for five minutes.

ADJOURNMENT.

The Court adjourned at 1135 hours.

RESUMPTION.

The Court re-assembled at 1150 hours.

Mr Hasegawa continues with his examination of Capt Saito:

Mr Hasegawa: If sufficient nutrition and serum were given to treat diphtheria patients, do you know what the percentage of death would be?

WITNESS Saito: Point one per cent, that is one death in 1,000.

Q. You said that the food situation in the POW camp was not good. Under such a food condition, although sufficient serum was made available, what would have been the death rate?

A. There were altogether 687 diphtheria patients, and of those 107 died, therefore the percentage would be 14 per cent. There were 687 diphtheria patients and 718 diphtheria carriers, therefore if the total of these two figures were taken, then the percentage would be 7.5 per cent.

Q. But is not this percentage taken on the basis that there was not enough serum?

A. That might have been the reason why the death rate was so high.

Q. My question was: Under the food situation at that time at the POW camp, if there was sufficient serum, what would have been the death rate?

A. I think that the death percentage rate would have been between one and two per cent.

Q. Is there anything else you wish to say about diphtheria?

A. I wish to explain why diphtheria spread as it did. Firstly, as I said yesterday, the amount of food issued to the POW was not sufficient. Because of this, there was a decrease in the resistance power of the body against an epidemic of infectious diseases.

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Capt SAITO Shunkichi:

Q. What you explained yesterday is on the record already, therefore if you will only explain facts besides the points on the record, I think that the President would be able to understand you more fully.

A. Secondly, the accommodation was overcrowded. Thirdly, because of the insufficiency of serum, that is to say, at the beginning not the necessary minimum quantity required was available. Fourthly, because a detachment from the Military Anti-Epidemic Centre did not come until a later date. Fifthly, because the POW, especially the Canadian POW, did not have sufficient medical knowledge. I think these are the reasons why diphtheria spread.

Q. You said for the first time about overcrowding. What relation has overcrowding with diphtheria?

A. I said before, I think, that the adequate number in Shamshuipo would be about 60 men to a hut. However, in fact, there were 20 to 30 men over this number. At North Point, the adequate number of men per hut would have been 70 people. However, there were from 50-60 men over this number. After the North Point camp was moved to Shamshuipo, although the Shamshuipo camp was not as crowded as the North Point camp, there were about 80 men to a hut, and in such a case such a disease as diphtheria, which spread through the throat, overcrowding would have a very dangerous effect.

Q. You said that one of the reasons why diphtheria spread so much was because at the beginning, not enough serum was available. Do you know whether serum is used in preventing the disease or not, or is it used only in the treatment of the disease?

A. Of course serum is a drug used in the treatment of diphtheria patients. During the period a patient did not receive treatment, he would spread the germ outside, and by the germ being spread outside it would spread to new patients. Therefore, if the patient is treated at the beginning it would shorten the time he would be able to spread the disease.

Q. If there is nothing else you wish to ~~say~~ say about diphtheria, I will now ask you about other diseases.

A. There were cases of cholera. During the beginning of October, 1942, cases of cholera broke out in the upper Argyle Street Officers' camp. The number of cases that broke out was three. I do not remember the day when the disease broke out. When I received the report that some patients were showing symptoms of cholera it was a Sunday. I immediately reported this matter to the camp commandant. In compliance with the order of the camp commandant, the faeces of the patients were sent to the Military for stool tests. The next day, Monday, the report said that there were positive cholera germs. Immediately afterwards, the camp commandant reported this matter to the Governor-General and applied to have a detachment of the Military Anti-Epidemic Centre despatched, and I on the other hand reported the matter to the chief of the medical Department. In compliance with his application a detachment of the Military Anti-Epidemic Centre was despatched. The Anti-Epidemic Centre detachment carried out disinfectant work and the taking of stool tests and at that time all POW that were suffering from diarrhoea were accommodated in one hut. There were about 40 of these diarrhoea patients and as a result of the stool test ~~about~~ of these patients carried out by the detachment of the Anti-Epidemic Centre two positive cases were discovered the next day,

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Capt SAITO Shunkichi:

A(cont.): that is Tuesday. Later on stool tests were carried out twice. The results of the stool tests were all negative and there were no further cases of cholera. Of the two patients who were discovered to be positive, it was found that one was an ordinary case of diarrhoea and the other one was found to be a carrier of cholera.

Q. You said just now that at the beginning of October, 1942, there were three cases and as a result of stool tests carried out by the Anti-Epidemic Centre two more cases of cholera were discovered. Do you mean that altogether there were five cases of cholera. Is that correct?

A. That is not correct. I mean to say that on Monday there was a report that only one patient had positive cholera germs and out of the 40 diarrhoea patients that were isolated, the next day two of those were found to have positive germs. That is to say that altogether there were three cholera patients.

Q. I understand. Now will you continue?

A. The first patient and two other patients that were discovered later, the attack was very light. When I reported the breaking out of cholera to the chief of the Medical Department that the first cholera patient was very light and also I said that this patient must in the end be sent to the Bowen Road Hospital. At that time cholera was very prevalent in Hongkong. All steps were being taken to stamp the onslaught. Strict measures were being taken against cholera in Hongkong at that time and the chief of the Medical Department gave me the following advice:- "The case you have explained seems to be very light and that if the patient is moved to Bowen Road hospital it would cause a danger of having the disease spread on the boat used by the Shipping Unit, therefore because the attack is light, it might be best to leave the patient where he is." I reported this to the camp commandant and the Camp Commandant agreed with the advice, and he did not order the hospitalisation of the patient. Because of this, this first patient and the two patients that broke out the next day, were isolated in a separate hut in the Argyle Street Officers' camp. To understand this, I think it would be better to explain the cholera situation in Hongkong at that time. I conferred with the chief of the Medical Department frequently and also the medical officers of the various camps. We held conferences at the Medical Department. At these conferences I would hear the state of affairs and I found out that cholera first broke out in Hongkong at the beginning of 1942. As I remember it, the peak of the cholera epidemic was in May and September and by October the disease had faded out. As I heard it, the number of deaths from cholera was 1,700. Because of this cholera epidemic sometimes cases would break out amongst the Japanese troops in the Hongkong island and in Kowloon. In the Army if such a case broke out, strict anti-cholera precautions would be taken for over a period of one week, and if such a case broke out the patient would be asked where he had taken food at the last time and the place where he had taken the food would be disinfected strictly. I wish to add that the state of affairs was ~~was~~ as such.

President: If you have no more questions to ask the witness about cholera, Mr Hasegawa, I think this would be a convenient time at which to adjourn.

Mr Hasegawa: I have some more questions, but this will be a convenient time to adjourn.

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Capt SAITO Shunkichi:

President: The Court is adjourned until 10 a.m. on Monday morning. (January 20, 1947).

ADJOURNMENT.

The Court adjourned at 1230 hours until 1000 hours on Monday, January 20, 1947.

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NO.5 WAR CRIMES COURT.

41ST DAY'S PROCEEDINGS of the trial of Col TOMUNAGA ISAO, Capt. SAITO SHUNICHI,
Lieut TANAKA FUSHI, Interpreter TSUTSUDA ITSUO and Sgt MAEDA JOARO held
at HONG KONG on the 20th January 1947, at Jardine Matheson's East Point Godown.

1000 hours.

20th January 1947.

DEFENCE: I have received a letter from Major BOXER concerning
matters in this case and I wish to produce it as evidence.

COURT: According to the regulations -- while the Court are
entitled to accept such a letter as evidence there must
be some proof as to the signature -- of course you will
not be familiar with the signature of Major BOXER.
Major FUDSICQ SE, do you know Major BOXER'S signature or
is there any affidavit from Major BOXER.

PROSECUTOR: I haven't produced any affidavit to the Court from Major
BOXER but there may be an affidavit in the hands of the
War Crimes Investigation Team.

COURT: Perhaps it may be simpler to call someone here who may
know Major BOXER'S signature.

By the regulations as to "Rules of Evidence" it is laid
down:

Sub-para (b): 'Any document purporting to have been signed
or issued officially by any member of any
allied or enemy forces, by any official or
agency of any allied, neutral or enemy
government shall be admissible as evidence
without proof of the issue or signature
thereof'.

Sub-para (d): The Court may receive as evidence of the
facts therein stated any deposition or
any record of any military Court of enquiry
(any summary) of any examination made by any
officer detailed for the purpose of any
military authority'.

Reading the two paragraphs together -- if a document is
not issued officially, there must be some proof as to the
authentication of the signature.

PROSECUTOR: Can I make a suggestion here Sir -- would it be admissible
for the Court to receive the document and appreciate it
as evidence at the Court's discretion?

COURT: The Court must do that anyway but there must be some
authentication as to the signature particularly in view
of the fact that it deliberately accuses another witness
of the Court of telling lies in the evidence given.

PROSECUTOR: That may be the case in this particular instance, but
generally speaking in cases when you have not occasion to
prove the signature, the document must be accepted by the
Court and it would be up to the Court to appreciate whether
it is good evidence or not. This is generally speaking,
like in the case of a man who may have died and whose
evidence is submitted for what it is worth. I think it
is permissible for the Court to accept such a document
and appreciate, at the discretion of the Court, whether
it can be accepted or not. There is one suggestion I would
make in this particular case -- the letter was forwarded
to you by a Government official.

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COURT: There is no evidence that he knows that this is Major BOXER'S signature. If he was associated with Major BOXER we could accept it on that point.

PROSECUTOR: Sir, unofficially, I can tell you that that officer was in touch with Major BOXER -- may be not during the occupation, but some time after.

COURT: Would it be possible to call Dr. SELWYN-CLARK or Dr. ANDERSON. I have to put this to you, Major FODDINGHAM, because Dr. ANDERSON was a witness for prosecution, who was actually at BOWEN ROAD with Major BOXER.

PROSECUTOR: There must be many people who can recognize Major BOXER'S signature here, sir -- I have no objection except that I think it is a little hard on Dr. ANDERSON. He has already been in Court once and if we could get somebody else it would be better.

COURT: You will appreciate, Major FODDINGHAM, that this is a case of a witness' personal integrity being definitely attacked and, therefore, the Court, while giving considerable latitude to Defence, it will require to have the signature strictly proved.

PROSECUTOR: Sir, I would like to point out to the Court this also concerns the integrity of the newspaper reports -- Major BOXER says as reported in such and such a newspaper --

COURT: The Court has checked the report with the actual record of the witness' statements in Court and the criticisms, to some extent, are correct.

Capt HOSTILOFF, will you get in touch with Dr. SELWYN-CLARK and see whether he is able to recognize Major BOXER'S signature, and if so, will you arrange for him to come to Court and prove the signature. It will only take ten minutes of his time and we shall arrange for him to come in either in the morning or afternoon; any time that suits his convenience.

COURT: Mr. HASEGAWA, will you continue your examination of Dr. SAITO.

3rd WITNESS FOR DEFENCE -- Dr. SAITO. EXAMINATION IN CHIEF -- Mr. HASEGAWA (Cont).

COURT: Will you remind the witness that he is still bound by his original declaration.

DEFENCE:

Q. The other day you explained that there were some cases of cholera in the Camp and that, according to orders ~~xxxxx~~ these cases of cholera were isolated within the Camp, now could you tell the Court how these patients were treated?

A. At the time that cholera broke out, all drugs were being bought in accordance with the Local Purchase Scheme. At that time, although these patients had mild cases of cholera, I thought that suitable drugs for cholera were necessary. I told the Camp Commandant about this and with his permission I bought the following drugs to treat these cholera cases; that is, I obtained the same kind of drugs that the Japanese troops were using at that time, in accordance with instructions and orders of the Camp Commandant. These were: 15 ampouls of glucose, 2 ampouls of 1 c.c. physiological saline injections, and 12 ampouls of 1 c.c. each of vitacaphor, a Japanese drug to treat heart diseases; these drugs I made available.

Q. What happened to the patients?

A. The three patients, after two or three days, fully recovered. Three stool tests were carried out later and it was discovered, as a result, that there were no more cholera cases. At the Officer's camp, for one week, quarantine precautions were carried out and there were no further cases of cholera.

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3rd WITNESS FOR DEFENCE -- Dr. SAITO.

EXAMINATION IN CHIEF -- Mr. HASEGAWA (Cont.).

- Q. In one of the statements before the Court it is stated that no drugs were issued to treat the cholera patients and that the POW doctors had to use an ordinary beer bottle as a stethoscope and ordinary needles?

COURT: I do not think it was for a stethoscope -- I think it was for a syringe that the statement said beer bottles were used.

INTERPRETER: I have translated what Mr. HASEGAWA said, sir.

COURT: Can you refer to the particular statement or mention who stated that -- is it an affidavit or did a witness make the statement?

DEFENCE: Capt STRAHAN'S affidavit.

COURT: We will check on that -- I think the word 'stethoscope' must be a mistake. We will look at the Exhibit and see.

(Court refers to Exhibit L(1)) -- I see where the mistake occurs -- I will read the paragraph from Capt STRAHAN'S affidavit: "Had it not been for the makeshift apparatus made from a beer bottle, a piece of stethoscope tubing and a needle..... a number of deaths". In other words an apparatus was made of a beer bottle and a piece of stethoscope tubing.

- Q. Do you remember this affidavit?
A. I remember.

- Q. Also Dr. EVANS says that only some carbolic acid was obtained from the Japanese and that although Dr. SAITO was asked for some drugs to treat cholera, he did not make any drugs available, do you remember this statement?
A. I remember.

- Q. There is a big difference in the contents of these two statements and your evidence -- what can you say about this?
A. I am sure that at that time I made the necessary drugs available.

- Q. If there is nothing else you wish to say about cholera, then will you please continue discussing the other diseases?
A. Besides these diseases there were some cases of appendicitis, duodena and gastric ulcers.

- Q. Were these the main diseases that were prevalent?
A. These were the main diseases but there were also some cases of cancer. That is about all.

- Q. What steps towards treatment were taken against the diseases that you have just stated?
A. All these diseases, I think, required surgical operations.

- Q. Do you know whether there was sufficient equipment and surgical instruments available in the hospitals which the POWs used, and also the Camp hospitals?
A. The hospitals had complete equipment.

COURT: Will you ask witness when he says "hospitals" which hospitals is he referring to?

WITNESS: By that I mean ST TERESA'S and the POWEN ROAD Hospital.

- Q. What was the sort of equipment that was kept at the INDIAN MILITARY HOSPITAL?
A. The INDIAN MILITARY HOSPITAL had surgical equipment.

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3. WITNESS FOR DEFENSE -- Dr. SAITO.

EXAMINATION IN CHIEF -- Mr. HASEGAWA (Cont).

Q. Is there something you wish to say about the SHAN SHUI PO Camp hospital?
A. At the SHAN SHUI PO Camp hospital, there was surgical equipment.

Q. In a statement before the Court it is stated that surgical equipment was very inadequate and that the POW doctors had to use ordinary razors and had to use silk of the bow of a violin to stitch the operation wound, do you remember this statement? (Exhibits H(1) and J(1)).

PROSECUTOR: Sir, may I make a suggestion here -- I think that statement mentioned razor blades and not the ordinary type of old razor.

COURT: I do not think the statement was very clear -- it said razor but it was not very clear from the affidavit whether it meant the old type razor or razor blades.

Q. Do you remember the statement?
A. Yes I remember.

Q. Were the circumstances at that time actually as such?
A. I do not think that the circumstances at that time were as such.

Q. Also it is stated that surgical gloves were inadequate, did you hear this statement?
A. I heard the statement.

Q. Were the circumstances actually as such?
A. Surgical gloves were very much in shortage at that time. This matter was mentioned to the Camp Commandant, and the Camp Commandant in turn applied to the Japanese Military hospital, but no gloves were forthcoming.

Q. Also, it is stated that after the surrender a large amount of surgical instruments were found in Dr. SAITO'S house, did you hear this statement?
A. I heard the statement, I will explain about that. During the end of August 1942, the Indians who were at the GUN CLUB HILL were moved to LA LAU CHUNG. At that time, in compliance with the order of the Camp Commandant, I had some of the bandages and surgical equipment that was kept there removed to my house. Among the articles that were removed at that time were 200 pieces of one lb. each absorbent cotton wool and also 200 lbs. of lint; 50 pieces of forceps and also 50 pieces of "kanshi" (The interpreter uses the Japanese word).

COURT: Is "kanshi" a surgical instrument?
WITNESS: It is a surgical instrument.

COURT: Is it used for cutting; is it a cutting instrument?

DEFENSE:

Q. What sort of instrument is it and for what is it used?
A. It is a sort of scissors used to pinch skin -- (tongs)

COURT: The Court understands what sort of thing it is.

WITNESS: There were 50 such instruments; there were about 30 pieces of surgical knives; also there were some other kinds of surgical instrument. These bandage materials and surgical instruments were issued to the POW drafts that went to Japan, in accordance with the Order of the Camp Commandant.

Q. At the time of the Japanese surrender, what was the amount that was left over?

A. At the time of the surrender about 20 lbs. each of absorbent cotton wool and lint was left over. Amongst the surgical instruments there were 20 pieces of urethral dilators and one set of instruments used for autopsy.

Q. What was the purpose of having the bandage materials and surgical instruments removed from the Indians?

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3rd WILKINS FOR D-123 -- Dr. SAITO.

MANTRA FOR D-123 -- Dr. SASAKAWA (Cont).

- A. I thought that at that time it would be very difficult to obtain these materials and instruments in the future and I kept them in compliance with the order from the Camp Commandant.
- Q. What was the purpose in having these bandage materials and surgical instruments kept?
- A. These materials and instruments were kept to be issued to the various POW drafts that went to Japan and also when necessary to be issued to the various POW Camps.
- Q. The amount that was left over at the time of the Japanese surrender, why was not this amount distributed to the various camps?
- A. The urethral dilators and autopsy instruments were not equipment that was necessary in the camp.
- Q. Were not these instruments necessary in the big hospitals, such as the BOWEN ROAD hospital?
- A. The BOWEN ROAD hospital already had these instruments.
- Q. In a testimony before the Court it is stated that, at the time of the Japanese surrender a quantity of drugs, red cross medical drugs, were found in the house of the Commander in Charge of the SHAN SHUI PO Camp, did you hear this testimony?
- A. I heard the testimony.
- Q. Was this an actual fact or not?
- A. I do not know anything about that.
- Q. Did you do any duties in relation with the Red Cross medical supplies?
- A. In compliance with an order of the Camp Commandant -- that is, Red Cross medical supplies should be distributed at suitable times -- in compliance with this order I kept some of the medical supplies. 20 cases of Red Cross medical supplies came on the AMA MARU in February 1942.

COURT: The AMA MARU surely came long after 1942. There is some mistake there.

INTERPRETER: I am sorry sir -- I mis-interpreted, I mean February 1945.

And the size of the case was 30 cm x 40 cm x 100 cm. The contents of these cases were surgical equipment and bandages. Also, some of the cases contained vitamin preparation and sulphur drugs. Also some of the cases contained blood plasma. Also other cases contained instruments to examine water.

- Q. When these medical supplies were distributed to the SHAN SHUI PO Camp, what was the procedure?
- A. When the supplies were distributed to the SHAN SHUI PO Camp, they were handed over to Major ASHTON ROSS and Capt STRAHAN. Six cases of the supplies that were intended for the BOWEN ROAD Hospital were brought to POW HQS. and kept by me for later distribution.
- Q. Did the Commander in Charge of the SHAN SHUI PO Camp have any connection with the distribution of these supplies?
- A. He was present.
- Q. Out of the 20 cases that arrived how many cases were handed to the SHAN SHUI PO Camp?
- A. Six cases were allotted to the BOWEN ROAD Hospital; therefore, the remaining 14 were allotted to the SHAN SHUI PO Camp.
- Q. Do you know whether all these supplies were actually handed over to the POWs?
- A. I was present at that time and all the supplies were actually handed over to the POWs. All the medical supplies that came on the AMA MARU I strongly believe were all handed over to the POWs.

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3RD WITNESS FOR DEFENCE -- Dr. SAITO.

EXAMINATION IN CHIEF -- Mr. HASEGAWA (Cont).

Q. Do you know whether besides the medical supplies that came on the ANA MARU any other supplies arrived or not?

A. I do not remember clearly -- perhaps no other supplies arrived.

Q. Do you know whether some of the 14 allotted cases for the SHAN SHU PO Camp were kept by the Commander in Charge of the Camp?

A. I do not know whether the cases were kept or not.

Q. Do you know when these supplies were handed over to the POWs?

A. In February 1945 the medical supplies came on the ANA MARU and I distributed them in accordance with an order from the Camp Commandant, I do not know the actual day when the drugs were distributed.

Q. If you do not remember the actual day, how long after the supplies arrived were they distributed?

A. I do not know actually when the drugs were brought to the SHAN SHU PO Camp but I distributed the drugs immediately after I received an order from the Camp Commandant.

Q. Can you not remember the month; whether they were distributed in February or March?

A. I remember that they were distributed in February 1945.

Q. There is a statement saying that the POW Doctors were badly in need of surgical gloves but although such gloves arrived by the ANA MARU they were not immediately distributed to the POWs?

PROSECUTOR: Sir, will it be possible for Defence to refer us to the Exhibit reference of the affidavit in which the statement is made.

COURT: I have an idea that reference was made to gloves being short but I do not recollect any statement mentioning that gloves arrived on the ANA MARU.

COURT: Will you ask Mr. HASEGAWA to refer to the Exhibit when he makes reference to a statement.

PROSECUTOR: If Mr. HASEGAWA cannot find the reference now may be he can give us this later when he checks through his records.

DEFENCE: I will give the reference later, in the meantime could I have the witness answer the question?

PROSECUTOR: I have no objection at all sir.

A. I have heard the statement. About the distribution -- I knew what sort of materials and instruments were badly needed at the various hospitals and camps so I am sure that the gloves were distributed to the Camp and there is no mistake about that.

Q. In Major ASATON ROSE'S affidavit (Exhibit 1(1)) he states that between April 42 and July 42 Dr. SAITO came and took some drugs and bandages from the supplies kept and brought them to the POW Camp. did you hear this statement?

A. I heard the statement.

Q. Was this a fact or not?

A. There was no such fact.

Q. It is stated before the Court that from August 1943 the Local Purchase Scheme for drugs came to an end and that from this date drugs and other medical supplies were received from the Army, do you know what sort of drugs and what was the quantity received?

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3 D WITNESS FOR DEFENCE - Dr. SAITO.

EXAMINATION IN CHIEF - Mr. HASEGAWA (Cont).

- A. The following drugs to treat bacillary dysentery were received.
About 1500 grammes monthly of magnesium sulphate; 1,000 grammes of castor oil monthly. Also one dozen one c.c. ampuls of oxetone monthly, hydrochloride was received for a period of about one year. This drug was for amoebic dysentery.
- Q. Was this quantity of drugs sufficient to treat dysentery patients?
A. The drugs were not sufficient; it was only sufficient to treat a quarter of the number of patients.
- Q. Did you take any steps to meet this inadequacy of drugs?
A. I reported this shortage of drugs to the Camp Commandant and he frequently applied to the Japanese Army hospital to have an increase issued but the situation was not altered.
- Q. Col TORIYAGA, in his evidence stated that in July 1942 the Chief of the Medical Department of the Field Medical Unit inspected the Camp and as a result of the inspection the St TERESA'S hospital was closed, did you hear this statement?
A. I heard the statement.
- Q. Then, if you heard this statement, could you tell the Court the rank and name of this Medical Chief?
A. He was Lt General KANPASEI, a Medical Officer.
- Q. When this Chief of the Field Medical Unit inspected St TERESA'S Hospital were there any diphtheria cases in the hospital?
A. There were some diphtheria cases in the hospital.
- Q. Was a report on the state of affairs of the diphtheria epidemic in the POW Camp made to this Chief of the Field Medical Unit?
A. The Camp Commandant took this officer on his tour of inspection of the St TERESA'S hospital and most likely the Camp Commandant made a report on the state of affairs of the diphtheria epidemic to this officer.
- Q. Were you not included in the inspection tour?
A. I was included in the inspection tour but the Camp Commandant took the lead.
- Q. In your evidence you said that the Canadian POWs had only a slight medical knowledge; did you take any steps against this situation?
A. I consulted with Major CHAMFORD about this matter and asked him to strictly instruct the Canadians about medical matters.

The Court is adjourned for five minutes at 1130 hrs. R.C.
The Court reassembled at 1135 hrs. R.C.

- Q. Dr. RODRIGUES stated in the Court that Dr. SAITO was quite indifferent towards the diphtheria epidemic in the camp, did you hear this statement?
A. I heard this statement.
- Q. Can you tell the Court if you remember whether you took that attitude or not?
A. At the time of the diphtheria epidemic I was very busy in trying to procure drugs and also I had to frequently go and consult with the Chief of the Medical Department. Because of these reasons it was difficult for me to go to the St. TERESA'S Hospital frequently. Because of this the POWs might have misunderstood me.
- Q. Is there anything you wish to say about the issuing of drugs?
A. At present there is nothing special I wish to say.
- Q. You have briefly stated the procedure of how a patient was hospitalised; also you have briefly stated how the patients were transported, now can you explain more in detail the transportation situation at that time?
A. First of all, I will explain how patients were sent from the North Field Camp to the BCMA Hospital. At North Field the POW doctor would

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3rd WITNESS On 11/10/43 - Dr. SAITO.

EXAMINATION IN CHIEF -- Dr. ISEKAWA (Cont.).

apply to the Commander in Charge of the Camp to have a patient hospitalized. The Commander in Charge of the Camp, would, in accordance with the permission and orders of the Camp Commandant, have the patient hospitalized in the POWEN ROAD Hospital. About transportation; the transportation of a patient would be overland, therefore, there would not have been any difficulties. Next, I will state how patients were sent to St. TERESA'S hospital from the SHAN SHUI PO Camp. At the SHAN SHUI PO Camp, the POW Doctor sometimes would apply, through the Commander in Charge of the Camp to me for permission to have a patient hospitalized. Sometimes the POW doctor would directly ask for permission for me to have the patient hospitalized. I would then pass the application on to the Camp Commandant, and in accordance with his permission and orders, the patient would be hospitalized. At the Upper ARMYL SHANSHI Officer's Camp, the same procedure would take place. When a patient is sent from the SHAN SHUI PO Camp to the St. TERESA'S hospital, the General Affairs Section would furnish transportation. When an order from the Camp Commandant is issued to have a patient hospitalized, simultaneously an order would be given to the General Affairs Section to furnish transportation. Next I will explain how patients were sent to the POWEN ROAD Hospital from the SHAN SHUI PO Camp. This procedure took place after the St. TERESA'S hospital was closed. When the Camp Commandant would give permission to have a patient hospitalized at the POWEN ROAD hospital, he would order the General Affairs Section to be in charge of transportation. All through 1943, as I remember it, a boat was sent to the Bamboo Pier in the SHAN SHUI PO Camp and from there the patient would be transported to the HONG KONG Side. As I remember it, from 1944 the patients were transported to the Star Ferry and from there they were transported to the Hong Kong side. In this case the borrowing of the boat to have a patient transported from the Shipping Unit would be in the charge of the General Affairs Section. During 1943, as a result of consultation between the General Affairs Section and the Shipping Unit, twice a month a boat was allotted to the SHAN SHUI PO Camp to transport patients. From 1944 it became difficult to obtain boats so on the average one boat per month was allotted by the shipping unit for this purpose. During 1943 it was laid down that two boats were to be allotted for the purpose of transportation, but during the latter part of 1943 the boats were not allotted according to this schedule. Because this caused a lot of inconvenience I went to the General Affairs Section and asked them if they could not do anything about the matter, and the General Affairs Section again consulted with the Shipping Unit, but it was not able to do anything to improve the situation. In the case of emergency, when it was necessary to have a patient immediately hospitalized it was always difficult to obtain shipping transport on that date. For instance, in the case of appendicitis patients or ~~had~~ ^{had} patients, when it was necessary to have the patients immediately hospitalized, it was very difficult to obtain shipping transport.

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END WITNESS FOR DEFENSE -- Dr. SAITO (ACCUSED)

EXAMINATION. I. CHIEF -- Mr. KASERAWA (Cont.).

I heard from the General Affairs Section that the Shipping Unit was very short of boats and that, therefore, it was very difficult to land boats to the POW Camp. I asked the General Affairs Section to ask the Shipping Unit to consider the matter of shipping transport but as I heard it, through the General Affairs Section, the Shipping Unit was not in a position to provide boats only for the needs of the POW Camp. This was the situation in regard to shipping at that time.

- Q. Wasn't the INDIAN MILITARY HOSPITAL ever used?
- A. At the beginning of 1943 the use of the INDIAN MILITARY HOSPITAL was permitted. In July 1942 the Camp Commandant issued an order that Indian and British POWs should not be accommodated together. In accordance with this order all British personnel were sent to the SIAI PO Camp or to the Officer's Camp. Because of this order until the end of 1942 the INDIAN MILITARY HOSPITAL could not be used for surgical purposes. However, at the Officer's Camp there were, from time to time, emergency cases that needed immediate attention. For instance, cases of appendicitis and perforated gastric ulcers. In such cases the patients must be removed to the BOWEN ROAD Hospital; although these cases would need immediate medical surgical attention sometimes, because of shipping difficulty, some time would lapse before the operation would be carried out. Considering this I expressed my opinion to the Camp Commandant to ask the use of the INDIAN MILITARY HOSPITAL. Because of this the INDIAN MILITARY Hospital was made available for surgical operations at the beginning of 1943, but this permission was granted if the following two stipulations were carried out; first, that the minimum number of personnel to carry out the operation should be sent with a patient to the INDIAN HOSPITAL and second, that after the operation the patient should be brought back to the ARMYL STREET Officer's Camp. As I heard it the reason for the stipulation was to separate the INDIAN POWs from the other POWs.
- Q. You said that the minimum number of personnel to carry out the operation was permitted to go with a patient to the hospital; what was the minimum number of persons permitted?
- A. As I remember, about four persons, that is to say, the surgeon and his assistant and two stretcher carriers.
- Q. Were the two stretcher carriers that were stipulated actually permitted to go with the patient?
- A. They were actually permitted to go.
- Q. It Col KERR in his evidence before the Court stated that three doctors and one assistant were permitted to go with the patient, did you hear this testimony?
- A. I heard the testimony.
- Q. Do you know whether the medical officers carried the stretcher or not?
- A. There might have been a case when the medical officer carried a stretcher. Because the number of persons to go with a patient was limited, so that sometimes there would be an ample number of doctors to carry out the operation, the doctors themselves would carry the stretcher.
- Q. Mr. POWELL, in his evidence, said that two doctors and himself were the only persons permitted to go to the hospital, did you hear this testimony?
- A. I heard the testimony.
- Q. Sometimes was such the case?
- A. As I remember it, I do not think such was the case; the minimum number of four persons were always permitted to go with a patient.

The Court is adjourned until 1400 hours.

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41st DAY.

20TH JANUARY 1947.
~~20th January 1947~~

1400 hours.

At 1400 hours on 20th January the Court re-assemble pursuant to adjournment: present the same members as at adjournment.

3rd WITNESS FOR THE DEFENCE -- Capt SAITO.

EXAMINATION IN CHIEF (Contd).

- Q. This morning you explained the procedure of how the patients were hospitalized and what sort of medicine was issued. This afternoon I wish you to explain about various incidents that happened in the camp. First of all I wish to ask you if you know a person by the name of LaPoint?
- A. I do. He was a patient some time during the end of 1942. As I remember it there was an application to have him hospitalized, because he was suffering from dysentery. I immediately reported this to the Camp Commandant and the Camp Commandant's permission to have this patient hospitalized was awaited and the patient must have been hospitalized. I was asked by the POW side to have this patient removed as soon as possible. I asked the general affairs section to get in touch with the Shipping Unit and try to have a boat made available as soon as possible. However, soon after the patient entered the hospital I received a report that he died. As I remember it this patient was sent to the Bowen Road Hospital from Shamshuipo Camp.
- Q. How long after the actual application to have the patient hospitalized was the patient actually sent to the Bowen Road Hospital?
- A. As I remember it the patient was actually hospitalized about two days after the application.
- Q. When was the hospitalization order issued?
- A. As I remember it two days before the patient was actually sent to the hospital.
- PRESIDENT: Would you enlarge on this. Do you mean that it was two days before the application agreed to by the Camp Commandant and then two days before sent to hospital?
- A. Immediately after I received the application from the POW Doctor I reported the matter to the Camp Commandant and he issued the order on the same day.
- Q. Why did it take two days to hospitalize the patient after the order was issued?
- A. The General Affairs Section asked the Shipping Unit to make a boat immediately available but there was a shipping shortage at that time and it took two days before the Shipping Unit made a boat available.
- Q. When the patient was sent to the hospital, do you know whether a POW doctor went with him or not?
- A. A POW doctor went with the patient.
- Q. Do you remember the name of the doctor that escorted the patient to the hospital?
- A. As I remember it the POW Doctor, Major ASHTON-ROSE went with the patient.
- Q. Do you remember a Captain by the name of BARD?
- A. I do.
- Q. Was he a member of the POW Medical staff?
- A. He was a doctor that did duty in diagnosing and treating Canadian patients.

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41st DAY.

20TH JANUARY 1947.
~~2nd JANUARY 1947~~

1400 hours.

At 1400 hours on 20th January the Court re-assemble pursuant to adjournment: present the same members as at adjournment.

3rd WITNESS FOR THE DEFENCE -- Capt SAITO.

EXAMINATION IN CHIEF (Contd).

Q. This morning you explained the procedure of how the patients were hospitalized and what sort of medicine was issued. This afternoon I wish you to explain about various incidents that happened in the camp. First of all I wish to ask you if you know a person by the name of LaPoint?

A. I do. He was a patient some time during the end of 1942. As I remember it there was an application to have him hospitalized, because he was suffering from dysentery. I immediately reported this to the Camp Commandant and the Camp Commandant's permission to have this patient hospitalized was awaited and the patient must have been hospitalized. I was asked by the POW side to have this patient removed as soon as possible. I asked the general affairs section to get in touch with the Shipping Unit and try to have a boat made available as soon as possible. However, soon after the patient entered the hospital I received a report that he died. As I remember it this patient was sent to the Bowen Road Hospital from Shamshuipo Camp.

Q. How long after the actual application to have the patient hospitalized was the patient actually sent to the Bowen Road Hospital?

A. As I remember it the patient was actually hospitalized about two days after the application.

Q. When was the hospitalization order issued?

A. As I remember it two days before the patient was actually sent to the hospital.

PRESIDENT: Would you enlarge on this. Do you mean that it was two days before the application agreed to by the Camp Commandant and then two days before sent to hospital?

A. Immediately after I received the application from the POW Doctor I reported the matter to the Camp Commandant and he issued the order on the same day.

Q. Why did it take two days to hospitalize the patient after the order was issued?

A. The General Affairs Section asked the Shipping Unit to make a boat immediately available but there was a shipping shortage at that time and it took two days before the Shipping Unit made a boat available.

Q. When the patient was sent to the hospital, do you know whether a POW doctor went with him or not?

A. A POW doctor went with the patient.

Q. Do you remember the name of the doctor that escorted the patient to the hospital?

A. As I remember it the POW Doctor, Major ASHTON-ROSE went with the patient.

Q. Do you remember a Captain by the name of BARD?

A. I do.

Q. Was he a member of the POW Medical staff?

A. He was a doctor that did duty in diagnosing and treating Canadian patients.

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3rd WITNESS FOR DEFENCE -- Capt. SAITO

EXAMINATION IN CHIEF (Cont).

Q. In BARD'S affidavit (Exhibit T(1)) he states that he escorted this patient to the hospital. Did you hear this statement?

A. I heard this statement.

Q. Do you actually know this person named BARD, not from his affidavit?

INTERPRETER: I am sorry I misquoted. You said you heard BARD'S statement, do you know whether it was a fact or not?

Q. I was not actually there at the time, therefore, I cannot say for sure.

Q. In his statement he also says - as in your evidence - that the patient died a few days after the patient was hospitalized?

PRESIDENT: The witness merely said he heard the man had died after his hospitalization. He did not say he died a few days after.

Q. The same witness said the patient died soon after he was hospitalized.

PRESIDENT quotes affidavit Exhibit T(1) and explains to HASEGAWA that he puts in BARD'S statement something that is not in the statement. If he wishes he may read now to the witness Capt. BARD'S statement.

INTERPRETER reads and translates the extracts from T(1)

"I believe he was"

QUESTION BY THE Do you mean I heard the statement? Yes I heard the statement.
WITNESS: statement.

PRESIDENT TO

MR. HASEGAWA: Will you put your question now to the witness.

Q. Dr. Anderson in his evidence states that LaPoint died on the way to the hospital, did you hear this statement.

A. I did.

Q. McCarthy in his affidavit (Exhibit D(1)) states that this patient died on the pier of the Sham Shui Po Camp, did you hear this statement.

A. I heard this statement.

Q. In Exhibit U(1) Lieut Col. BOWIE states that the patient died on the ferry, did you hear this statement?

A. I heard this statement also.

Q. I did not use the word ferry, but the word boat 'fune'.

PRESIDENT: But BOWIE uses the word ferry.

Q. Even if that was true I did not use that word.

PRESIDENT: Mr. HASEGAWA, if you want to quote, you must quote correctly and the word used in the affidavit is ferry.

Q. Can you say why these different people give different places where this patient died?

A. I actually myself was not present when this patient was transported and therefore I cannot say.

Q. Do you know a person by the name of RAPP who was a member of the Hong Kong Volunteer Defence Corps?

A. I do. He was the patient in the ST TERESA'S Hospital. At the time when the hospital closed As I heard it this patient was in a

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3rd WITNESS FOR DEFENCE -- Capt SAITO.

EXAMINATION IN CHIEF (Cont).

serious condition. Because of this, the POW side wanted to have the patient immediately removed to the hospital at BOWEN ROAD and I passed the application on to the Camp Commandant. Immediately afterwards I received a hospitalization order. At that time there was a sort of confusion because the St TERESA'S Hospital was closed. Although I asked the General Affairs Section to have the patient immediately hospitalized and to have a boat made available, ~~but~~ there was some delay on the part of the Shipping Unit. As I remember it, there was a delay of about two days before the patient was hospitalized after receiving the order. I received the report that this patient died a few hours after being admitted to the hospital from heart failure.

Q. Do you know a Major by the name of HOOK?

A. I do. He was a patient at the officer quarters of the Sham Shui Po Camp. As I remember it, it was at the beginning of June 1945. At that time I went to the Sham Shui Po Camp to instruct and supervise the POW medical staff to carry out weight inspections of the POWs. At that time I heard that this patient was suffering from malaria. As I remember it, it was a week later. At that time I received a written document from the POW side through the then Commander in charge of the Sham Shui Po Camp, Lt WADA. In this written letter it said that Maj. HOOK was suffering from cerebro spinal meningitis and that the patient would be - that the POWs would like to have the patient immediately hospitalized. I reported this immediately to the Camp Commandant and received his permission to have the patient hospitalized. In the mean time because the patient was an infectious patient I went to examine him. At that time from Capt STRAHAN and Capt EVANS I received a report concerning the state of affairs of the patient. I questioned the POW doctors by saying that "are not the symptoms too slight to be a case of cerebro spinal meningitis?" In answer to my question whether ~~an examination of the spinal cerebral fluid of the patient was carried out in the other ranks Camp, and that the report was positive.~~ I said: "If the report was positive there is no mistake that the disease is infectious cerebro spinal meningitis." I instructed to have the place where the patient stayed disinfected and reported the case to the General Affairs Section. I asked to have measures taken so that the patient could be immediately sent to the hospital, but as I remember it at that time nothing could be done, and the patient was hospitalized the next day. At that time I heard from the General Affairs Section there was no empty truck available. Because this disease was contagious I went to examine the patient. This patient was admitted to the ~~General~~ Central British School Hospital. I received a report that the said patient was not suffering from the cerebro spinal meningitis - that is to say at the time of admission to hospital there was no symptom of infectious cerebro spinal meningitis. The patient died about ten days later. The name of the disease that the patient died of was endocarditis.

Q. You said when the patient was admitted to the Central British School Hospital the diagnosis was not infectious cerebro spinal meningitis. Then what was the diagnosis at that time?

A. I heard that the diagnosis was not as such but I did not ask what the diagnosis was at that time.

PRESIDENT: From where ~~and~~ who told you that he died of endocarditis?

WITNESS: As I remember it, it was on the death certificate signed by Lt Col BOWIE. I saw it on the death certificate signed by Col BOWIE.

PRESIDENT: Did you see Maj HOOK when he was in Central British Hospital?

WITNESS: I saw the patient with Lieut Col BOWIE.

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3rd WITNESS FOR DEFENCE -- Capt SAITO.

EXAMINATION IN CHIEF (Cont).

PRESIDENT: Was the patient admitted to Central British School Hospital one day after you asked General Affairs Section to arrange to have him sent there. Is that correct?

WITNESS: That is correct.

PRESIDENT: Who was in charge of the General Affairs Section at that time?

WITNESS: Captain UEDA.

The Court is adjourned for five minutes recess at 1515 to 1520.
The Court re-assemble at 1530 to 1535.

- Q. According to Mr. FOGWILL'S statement he says that Capt EVANS saw how serious the disease was and asked to have him hospitalized but he was only hospitalized a month later because there was no oxygen available. Did you hear this statement?
- A. Yes, I did.

PRESIDENT: Mr. HASEGAWA, you are misquoting. I will read you the relevant details. Mr. FOGWILL did not say he was not hospitalized because there was no oxygen. There was no question of oxygen. I will read Page 211 of the proceedings which refers to what witness FOGWILL said:

"Maj Hook"

Will you ask the witness if he heard this statement?

WITNESS: I heard.

- Q. According to that evidence it took one month before the patient was hospitalized. Was this a fact or not?
- A. When the wish to have this patient hospitalized was received I immediately passed the matter to the Camp Commandant and received a hospitalization order. It did not take one month to have the patient hospitalized.
- Q. Do you know a POW by the name of ADAMS?
- A. I do not remember him.
- Q. Exhibit L(1) - Capt. STRAHAN, in his affidavit states that ADAMS was operated on for gastric ulcer in a room without windows and by the use of a flashlight only and without any disinfectant and that the operation was stitched up with the hair of a violin bow. This operation took place on the 8th of November 1944 and also saying

PRESIDENT: Mr. HASEGAWA you are reading from Page 6 Exhibit L.(1) You must quote correctly from the affidavit. The date is 24th November 1944. A first operation took place on the 24th of November of 1944 and another operation took place on the 24th of December of 1944 under the same circumstances. Did you hear this statement.

WITNESS: I heard.

- Q. At the time of these operations did you not receive an application for hospitalization of the patient?
- A. I did not receive such a report.
- Q. Do you remember a POW by the name of W. SMITH?
- A. I do not remember.
- Q. Dr. ANDERSON, in his evidence states that SMITH was suffering from

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3rd WITNESS FOR DEFENCE -- Capt SAITO.

EXAMINATION IN CHIEF (Cont).

appendicitis and that frequent applications to have the patient hospitalized were made but permission was not granted. Therefore the patient was operated in the Camp hospital; later he was admitted to the hospital and later SMITH was entered into the hospital with a suppurating appendix. Did you hear this evidence?

A. I did.

Q. What do you think of this evidence?

A. At that time I did not receive any application that the POW wished to have him hospitalized.

Q. Col FREDERICK in his evidence states that Maj ROBERTSON asked Doctor SAITO to have a patient hospitalized, but Dr. SAITO said at that time ~~that~~ "Let the patient die." Did you hear this evidence?

A. I heard the evidence.

INTERPRETER: I omitted some of Mr. HASEGAWA'S question. Patient died the next day.

Q. Did you hear this evidence?

A. I heard.

Q. Was this a fact or not?

A. I do not remember at all anything like that.

Q. Rodrigues in his evidence states that at the time when there was an epidemic of dysentery and application to have serious cases hospitalized in the St TERESA'S hospital was made it took three days before the permission was granted and that on the night of the day when the patients were admitted, three died and a few days later three more died. Did you hear this statement or not?

PRESIDENT: It is on Page 62 of the proceedings.

A. I did.

Q. Was that a fact?

A. I do not remember it. At that time the patients were moved from camp to the St TERESA Hospital by lorry. Boats were not used for transportation of the patient therefore it was much more easier to have patients transported. Therefore, I do not think it would have taken three days as alleged.

DEFENCE: I think it is a convenient point to end my questioning and adjourn.

PRESIDENT: You have no further questions re RODRIGUES evidence?

DEFENCE: I have no questions.

At 1600 hours the Court adjourns until 1000 hours on Tuesday 21st January 1947.

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No. 5 WAR CRIMES COURT.

42ND DAY'S PROCEEDINGS of the trial of Col TOMIYAGA ISAC, Capt SAITO SHUNICHI, Lieut KANAKA HIROSHI, Interpreter TSUBADA and Sgt KIRADA JOICHI of the Imperial Japanese Army held at Hong Kong on the 21st January 1947.

(Held at Jardine Matheson's East Point Godown).

21st January 1947.

1000 hours.

3RD WITNESS FOR DEFENCE -- Dr. SAITO (ACCUSED)

EXAMINATION IN CHIEF -- Dr. HASEGAWA (Cont).

JUDGE: Will you remind the witness that he is still bound by his original affirmation.

Q. Do you know a POW by the name of MILLER?
A. I do not know.

Q. Witness FOWELL, in his testimony, states to the effect that MILLER became sick with gastric ulcer at about 5.30 in the afternoon and permission was asked to have him hospitalized immediately but he was not hospitalized until the next day and was operated in the Camp Hospital, did you hear this evidence?
A. I heard the evidence.

Q. At that time was it a fact that you received such a hospitalization application?
A. I do not remember.

JUDGE: Ask Dr. HASEGAWA when he is referring to evidence given by a witness in Court will he refer to the page of the proceedings, and if it is an affidavit will he refer to the affidavit.

DEFENCE: I have made preparations to give the number of the exhibits but I have not made any preparation to give the number of the page.

JUDGE: Will he always give the name of the witness then?

DEFENCE: Yes.

Q. Do you remember a Lieutenant by the name of EARDLEY?
A. I remember him. I think he was shot in December 1944; I do not remember the exact day but there was an American air raid; I think it was on that date that this POW was hit by shrapnel from a Japanese anti-aircraft gun. After the air raid ended, in accordance with the Camp Commandant's order, I went to inspect the SMAN SELL POW Camp. From Capt EVANS and Capt STALLAN I heard the state of affairs of this man; I heard from them that this POW was hit by shrapnel in the muscle but no bones were broken. Then I returned and reported this to the Camp Commandant.

Q. Is that all or did you take some other measures?
A. That is all; I did not receive any request to hospitalise this man.

Q. Also witness FOWELL in his testimony states that Dr. SAITO promised to have this man hospitalized, but the promise was not carried out and that POW doctors operated on him several times and in the end the patient was not hospitalized, did you hear this evidence?
A. I heard the evidence.

Q. Was this a fact?
A. I do not remember.

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3rd WITNESS FOR DEFENCE -- Dr. SAIHO (ACCUSED)

EXAMINATION IN CHIEF -- Mr. KASERAWA (Cont).

- Q. You just said that you went to the Camp and saw the wounded man and received a report from the doctors, therefore, why do you say "I do not remember?"

PROSECUTOR: Sir, is this cross-examination?

COUSAT: Not as far as I know -- if Counsel wishes to stimulate the witness' memory in Defence's interest I see no objection to it.

- Q. What I heard was from Capt SPRAHAN and Capt EVANS, I did not hear anything from Mr. FOGWELL.

- Q. Next, I will refer to Exhibit W, Major REID in his affidavit states that when the NORTH POINT Camp was moved to SPAL SHUI PO on the 25th September 1942, the Japanese side ordered all POWs to walk and that if any were carried on stretchers they would be shot, was there any such order from the Japanese side?

A. I do not know anything about that.

- Q. At that time how many Japanese doctors were attached to the POW Camp?
- A. Only myself.

- Q. I think that Major REID is referring to you, therefore, is it really true that you do not remember?

A. At the time of the transferring I was not present and, of course, I would not give such an order.

- Q. Do you remember a POW by the name of ARMSTRONG?
- A. Yes, I do, - he was an I.R.S.

- Q. What do you remember of him?

A. I heard that this POW died from ~~xxx~~ stomach cancer at the BOWEN ROAD hospital in the middle of October 1943.

- Q. Is that all you remember?
- A. That is all.

- Q. It Col MITCHELL in his evidence states that he was suffering from stomach cancer for a long time at the camp hospital and that finally he was admitted into hospital?
- A. I heard the evidence.

- Q. Did you not receive a request for hospitalization for this patient in the early stage?

A. I do not remember exactly when the request was made or when the Camp Commandant gave permission to have him hospitalised.

- Q. Do you know whether this patient was kept in the Camp for a long time after a request was made to have him hospitalised?

A. As I explained yesterday, the General Affairs section obtained the use of two boats per month from the Shipping Unit; therefore, I do not think there was a long delay before the patient was hospitalised.

- Q. Do you remember a Lieutenant by the name of BOWKER?

A. I remember. I think it was at the beginning of October 1942. I think at that time Lieut SANE OKI was Commander in Charge of ARGVILL STREET CAMP. I received a letter through Lieut SANE OKI from the POWs asking that BOWKER, who was suffering from twisted bowels -- and here was urgent need for an operation -- and the POWs asked to have this patient immediately hospitalised. I reported this matter in a letter to the Camp Commandant immediately and received his permission to have the patient hospitalised in the BOWEN ROAD hospital. At the same time I asked the General Affairs Section for transport. I said that an operation was urgent and would like to have transport made available immediately. Then, I went to the ARGVILL STREET Camp and saw the patient. I made up my mind, at that time,

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3rd WITNESS FOR DEFENCE -- Dr. Saffo (200032)

EXAMINATION IN CHIEF - Mr. ABSCAM (Cont).

that it was necessary to immediately remove the patient, therefore, I went to the General Affairs Section again to remind them about the transport. But I heard from the General Affairs Section that it was difficult to have a boat made available on the same day and that the boat would perhaps be made available the next day. Because it was urgent I went to the Camp Commandant and asked the use of the INDIAN MILITARY HOSPITAL for the operation. As I said before, at that time, the British POWs were strictly prohibited to mix with the Indian POWs and this request was refused. As I remember it after I received permission to have the patient hospitalised, he was actually hospitalised the next day to BOGEL ROAD hospital. I received a report that the patient died a few hours after being admitted into the BOGEL ROAD hospital.

- Q. Witness ANDERSON, in his evidence states that this patient became sick from acute bowel catarrh and that three days after he was brought to the hospital and that if the patient was immediately sent to the hospital, when the first symptoms broke out there would have been a chance to save him or that if the patient was admitted into hospital within 48 hours, there would have been a chance of him fully recovering -- did you hear this evidence?
- A. Yes I did.
- Q. As you state in your evidence when you went to the ARGVILL STREET CAMP and saw the patient and made up your mind that the patient had to be hospitalised, did you think at that time as Dr. ANDERSON did, that it was a case that required urgency?
- A. Yes, I thought that it was an urgent case. I thought that the case was urgent, therefore, I went to the General Affairs Section and asked again to have a boat made available immediately; also that was the reason why I went to the Camp Commandant and asked his permission to use the Indian Military hospital for the operation.
- Q. Do you know Lt GUTHRIE?
- A. I do not remember.
- Q. Lt Col FITCH in his evidence states that Lt GUTHRIE was suffering from enteritis and that an application for him to be hospitalised was made through Major General WATSON, but nothing was done for three or four days, finally, on the 26th of July 1942, the patient was hospitalised and he died 36 hours after being admitted into the hospital, do you remember the evidence in this case.
- A. I remember.
- Q. About this Lt GUTHRIE, was it true that his hospitalization was delayed for three or four days?
- A. If the application was made to me to have the patient hospitalized I would immediately ask the Camp Commandant for his permission; also, the ST. LEPESA'S hospital was a very short distance from the ARGVILL STREET Camp, and therefore, I do not think that there would have been such a long ~~short~~ delay.
- Q. Do you know a Lieut WATSON?
- A. I do; As I remember it, I think I received a report that he was suffering from perforated gastric ulcer at the ARGVILL STREET Camp; the date I think was March 43; at the time of receiving the report it was very late in the night, ten or eleven o'clock I think, and Capt WILKS, escorted by one of the guards came to my house. I heard from Capt WILKS that because this patient was suffering from perforated gastric ulcer, that an operation was to be carried out. I immediately reported

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3rd WITNESS FOR EXHIBIT -- Dr. SAITO (ACCUSED)

EXHIBITION L. CHIEF -- Mr. HASEGAWA (Cont).

this matter to the Camp Commandant by telephone and received his permission to have the patient operated at the Indian Military Hospital; in accordance with this order this patient was operated on at the Indian Military Hospital.

- Q. You just said that Capt EVANS spoke to you about this matter directly by going to your house; did Capt EVANS speak to you in English?
- A. Yes he did; also I spoke to him in English.

- Q. Lt Col KERR in his evidence states something to this effect; "Before this patient was actually admitted to the Indian Military Hospital he was kept at the ARGYLE STREET Camp for quite a long time and that Mr. MATSUDA'S help was asked to have this patient removed to the Indian Military Hospital to be operated on for gastric ulcer;" did you hear this evidence?
- A. I heard the evidence.

- Q. Witness MATSUDA in his evidence states that the POWs wanted to have this patient removed to the BOWEN ROAD hospital because it was necessary to operate on him within two or three hours; Mr. MATSUDA received this request from the POW side and he went to Dr. SAITO'S house and asked permission, but Dr. SAITO said that nothing could be done today and the door was slammed in his face and he came back to the Camp, and through his help the patient was removed to the Indian Military Hospital and operated on, did you hear this evidence?
- A. I heard the evidence.

- Q. What can you comment on the evidences of witness Lt Col KERR and MATSUDA?
- A. As I remember it the application to have this patient hospitalized was made through Capt EVANS when he came to my house escorted by a guard during the night. About this matter I do not remember receiving requests from anybody else.

- Q. Next, I wish to refer to Exhibit L(1) -- Capt STRAFAN in his evidence states something to this effect; that a POW was suffering from gastric ulcer and from noon about five requests to have this patient admitted to the hospital for operation were made, but actually the patient was finally admitted to the Indian Military Hospital late at night and that most probably this patient died, do you remember hearing such a statement?

COURT: Will you tell Mr. HASEGAWA he has not put that statement correctly to the witness -- it isn't that the patient most probably died, the patient did die. I will read the paragraph. "I specially remember one case which resulted in the death of the patient". It isn't a case of the patient may have died, the patient did die.

COURT: Did you hear that evidence given?

WITNESS: Yes, sir, I did.

- Q. Was that a fact or not?
- A. I do not remember anything happening like that.
- Q. Is it true that you do not know anything about this case or is it that you do not know anything about the five requests to have the patient hospitalized?
- A. I did not hear anything about the five requests nor did I hear anything about the patient dying.
- Q. Do you know whether there was any equipment outside of the POW Camp to take Depth X-rays?
- A. Do you mean outside of the POW Camp?
- Q. I mean at the hospitals used by the POWS?
- A. There was no such equipment at the ST TERESA'S Hospital or at the BOWEN ROAD hospital.

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3rd WITNESS FOR DEFENSE -- Dr. SAITO (ACCUSED)

EXAMINATION IN CHIEF -- Dr. HASEGAWA (Cont).

Q. Have you ever received a request from the POWs asking for the use of a Deep X-ray?

A. Once; it was some time in January 1945 that I received a letter from Col BOWIE stating that he wished to use such an apparatus. There was a patient by the name of WELLS suffering from lymphatic adenoma and the doctor wished to use a deep x-ray to treat this patient; this was what was stated in the letter. After receiving this letter I went to consult with the Camp Commandant. The Camp Commandant told me for the time being to go to the Japanese Military Hospital to see what could be done and I went to the Japanese Military Hospital. At the Japanese Military Hospital I consulted with the Superintendent of the hospital. The Superintendent told me that the Japanese Military Hospital did not use deep x-ray treatment and also there was no such equipment and that he was very sorry about the matter. Also I went to the Medical Department and asked the Chief of the Medical Department if he knew if there was such an apparatus in civilian hands, and the Chief of the Medical Department told me that he did not know of such an apparatus being in civilian hands. After receiving these answers I reported the matter to the Camp Commandant and also answered Col BOWIE.

Q. Do you know what happened to this patient because the use of a deep x-ray was not available?

A. As I heard it, and as I remember it, this patient died sometime in March 1945.

Q. Do you know whether this deep x-ray is the only method in treating such a disease?

A. As I understand it, x-ray treatment is very practical in treating this disease, but the deathrate of this disease is very high.

Q. Next, I will ask you about the taking of roll calls. What was the method that the POW Camp staff used in taking roll-calls?

A. I think that the Commander in Charge of the camps took the roll calls, I do not know the details; for instance, about the SHAN SHUI POW Camp, I was not present at the roll calls and therefore I cannot give details. From July 1945 I was quartered at the C.B. School and about the roll calls there I can tell you something.

DEFENSE: That is not necessary.

Q. Do you know whether all the POWs were required to be on roll call?

COURT: Does he mean roll call parade or ordinary roll call.

DEFENSE: The Japanese word may be taken to mean roll call or roll call parade -- I think here it means roll call parade.

A. I was not present at the roll calls and I do not know anything at all except about the roll calls concerning the C.B.S. from July 1945

Q. As you were the doctor do you know whether any patients were present at the roll calls?

A. I was not present, therefore, I do not know the actual situation.

Q. Col KOBAYASHI, in his evidence, states that some Canadians escaped sometime in August 1942, did you hear the evidence?

A. I heard the evidence.

Q. At that time did you know anything about this escape?

A. I heard about the escape.

Q. Did you hear that a special roll call was carried out at the NORTH POW Camp immediately after this escape?

A. I was not present therefore I cannot say whether there was or there was not.

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3rd WITNESS FOR DEFENCE -- Dr. SAIJO (ACCUSED)

2nd I.A.T.C. IN CHIEF -- Dr. KASAHARA (Cont.).

The Court is adjourned for five minutes at 1130 hrs. A.C.
The Court reassembles at 1135 hrs. A.C.

- Q. Do you know whether any working drafts of POWs were sent from the Hong Kong POW camp to Japan?
- A. There were; I will explain about that -- the first draft left on the 3rd of September 1942 for Japan consisting of 500 men; the next draft consisting of 1400 men left on the 26th of the same month of the same year; the third draft consisting of 1200 men left on the 19th January 1943; the fourth draft consisting of 500 men left for Japan sometime in April 1943; the fifth draft consisting of 24 men left sometime in August 1943 for HAINAN, FORTOSA; the sixth draft consisting of 500 men left on the 15th December 1943 for Japan; the seventh draft consisting of 500 men left on the 29th April 1944 for Japan, as I remember it, there were altogether these seven drafts.
- Q. As you were a medical officer attached to the Hong Kong POW Camp, did you take any part in selecting the members for these drafts?
- A. In accordance with the Camp Commandant's order I took part in selecting the men and also in the quarantine of the men. I will give an example by stating about the third draft which left for Japan on the 19th of January 1943. The C.C. of the POW Transportation consulted with the Commander in Charge of the SHAN SHUI PO Camp; these two officers conferred with the POW representative, Major BOON, and the POW doctors, and selected 10% over the number of men actually required in the draft. At that time the POW doctors excluded from the draft POWs suffering from internal diseases and infectious diseases. After this selection was completed, in compliance with the Camp Commandant's orders, I would do the following things: Firstly, fit men would be selected through verbal and optical examinations. At that time the POWs were paraded and were required to do light physical exercises. The POWs who could not move their joints freely or could not carry out the physical exercises freely were excluded from the first selection. Then, when it was necessary, the POWs would be asked verbally whether they had any disease or not. At the time of the selection the period allotted was short and I could only carry out these two types of examination, but before this, the POW doctors would exclude all POWs suffering from internal diseases from the first selection. After I had finished my examination I would decide who would be fit for the draft. Through these examinations I would generally acknowledge all the men as fit. After these men were elected for the draft, they would be segregated in a separate place till the time of their embarkation, there would be, on the average, a week before the second phase of the selection would be carried out, that is quarantine of the draft; the first phase would be the selection of the draft. Quarantine methods would consist of taking stool tests at least twice. Through these stool tests the following positive patients would be excluded from the draft, first the cholera patients; second typhoid fever patients; third paratyphus patients and fourth dysentery patients. Through stool tests, ~~patients~~ POWs suffering from such infectious diseases would be excluded. Besides this, preventive inoculations would be carried out against these diseases. First of all cholera inoculations, secondly a mixed injection for typhoid fever and paratyphus and thirdly vaccination for small pox would be carried out. At the time of the third draft diphtheria was prevalent, therefore, throat examinations were carried out three times. Through these methods quarantine would be carried out.
- Q. You said that when selecting members for the drafts you carried out optical examinations, does that mean you had the POWs undressed?
- A. That is not right, they were examined fully dressed.
- Q. Col CAMPBELL in his testimony states that there were only about 10% fit POWs at that time, do you remember this evidence?
- A. I heard the evidence.
- Q. This evidence is quite different from the evidence which you just

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3rd Witness FOR EXAMINATION -- Dr. SAITO (cont.)

EXAMINATION BY CHIEF -- Mr. HASEGAWA (cont).

Qave, can you comment on that?

- A. At that time what I observed through the optical examination was that on the whole the POWs were fit.
- Q. Do you know what happened when the fifth draft was selected, that is the draft that was sent to Japan on the 15th of October 1943?
- A. At this time in accordance with the order of the Camp Commandant I carried out the selection of the draft and also was in charge of the quarantine of the draft.

INTERPRETER: May I make a correction -- Mr. HASEGAWA said December 1943 and I interpreted it as October 1943.

- A. At this time the selection of members for the draft was carried out in the same manner as I have explained before, but at that time there was one change in the matter in which the draft was selected. Besides the verbal examination and the optical examination, the POWs were required to do light physical exercises. The method of these physical exercises was to require the POWs to run 100 meters; if the POWs could do the 100 meter distance in under 30 seconds, they would pass the examination. The next phase of the physical exercises was to require the POWs to carry 25 kilo straw bags for a distance of 200 meters; if this distance was done under one minute they would pass. The third phase would be to require the POWs to do chin-ups. If the POWs could do 10 chin-ups in a row, he would pass. These three methods were used, but the result was not very good. To make good the carrying of straw bags or doing chin-ups the will of the person concerned would influence the result very greatly. Because of this, on the way some of the POWs would discontinue their efforts by throwing down the straw bag or would stop running or would discontinue their chin-ups on purpose, and the result of this physical examination was not very good. This method of physical exercises or examination was stopped when it was half over and the former methods of optical and verbal examinations were used.
- Q. When was this physical exercise examination used?
- A. I think it was sometime about the beginning of December 1943. At this time the diphtheria epidemic was no more prevalent and the taking of throat swabs was not practiced.
- Q. Witness TAUERZ, in his evidence, states that an examination was carried out on the 28th of November 1943, was this an examination to select the draft that left for Japan on the 15th of December 1943?
- A. I do not remember exactly -- may be the examination was carried out then.
- Q. At the time of this examination did you do the examination yourself or were the POW doctors present?
- A. Besides myself there were some POW doctors, I think Major ASHTON ROSE was present.
- Q. Witness MCKINIS, in his evidence states something concerning N/Cs JACK and MILKIN, do you remember this?
- A. I remember.
- Q. At the time of examination do you know what the state of the health of these two N/Cs was?
- A. Many POWs were examined and I cannot remember anything special about these two POWs.
- Q. You said that when the physical exercise examination was half finished it was stopped and that the former optical and verbal examinations were carried out, do you mean to say by that that those who had passed the physical exercise examination were selected for the draft?
- A. Yes, those who did not pass the examination were not re-examined. The reason why was that a large number of POWs had already passed the examination.

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3rd WITNESS FOR DEFENSE -- Dr. SAITO (ACCUSED)

EXAMINATION IN CHIEF (Cont).

Q. Then, do you mean that those who passed the physical exercise examination were acknowledged as members of the draft, is that correct?

A. That is correct.

Q. What was the percentage of those who passed the physical exercise examination?

A. There were 200 POWs examined at that time and only 10 or 15 did not pass the examination. The reason why was that this sort of physical exercise was a very light sort of exercise and in relation with the physical fitness of the POWs at that time most of the POWs could pass this physical examination.

Q. Did you know Lt Col CRAWFORD who gave evidence in this Court when he was a POW?

A. I knew him very well he was a member of the R.C.A.F.

Q. Do you have any special connection with this Lt Col?

A. At the beginning of October 1942 there was an incident. At that time the North Point Camp had already moved to the SHAL SMI PO Camp, and at the SHAL SMI PO Camp there was a special Canadian diphtheria group. I inspected this diphtheria ward once in a while; incidentally, I inspected the ward once. At that time I observed that the treatment of the patients quartered there was not very good. At that time I also observed a diphtheria patient who got up and relieved himself by the use of the latrine bucket. At that time this patient wobbled to the latrine bucket and the medical orderlies, who should have been there to nurse him, were not there. Also, I observed that some food was left over in their mess tins and that the mess tins were not washed properly. Then also in the other part of the diphtheria ward the patients did not uniformly keep their things together. Therefore, I called Lt Col CRAWFORD and asked him if serum treatment was given to the patients and were the patients properly nursed. Lt Col CRAWFORD, in answer to my question, said that we have not received any diphtheria serum yet. I thought this was very queer because at the end of September 7,000 units of diphtheria serum was issued to the POW patients and I asked him if he did not receive any serum from Major ASHTON ROSE. Then I went with Major CRAWFORD to speak to Major ASHTON ROSE about this matter. In the presence of Major ASHTON ROSE and Major CRAWFORD and myself I handed some of the serum from Major ASHTON ROSE to Major CRAWFORD. I asked Major CRAWFORD why he did not receive any serum from Major ASHTON ROSE and Major CRAWFORD answered saying that he did not know that the serum was issued. I said to Major CRAWFORD that it was already clear that a large quantity of diphtheria serum was issued to Major ASHTON ROSE and that it was very queer that he did not know about the matter. I did not understand why Major CRAWFORD did not ask Major ASHTON ROSE to have some of the serum given to him. Through the interpreter I thought that there was some discord in the feeling between these two officers, that is between Major ASHTON ROSE and Major CRAWFORD. I gathered all the medical orderlies under Major CRAWFORD at one place and lined them up in two rows. Then I asked them whether they were doing their best in treating the patients. If anybody thought that he was doing his best he should step one pace forward. At this everybody stepped one pace forward; then I questioned them again. I said, "I just inspected the diphtheria ward and found the situation as follows: the patients ward was not clean nor was it in good order; also the mess tins of the patients had not been cleaned properly; also that a patient had to wobble to the latrine because there was nobody to escort him there;" I said, "How could you say you have done your best under such circumstances?" Then I said, "Under these circumstances, if anybody still thought that he is doing his best he should step one pace forward." Nobody stepped forward then. To encourage them to improve their treatment towards the patients I slapped them all. Also I slapped Major CRAWFORD because he did not supervise the medical staff under him well and also he neglected his duties by refusing to receive serum from Major ASHTON ROSE because of ill-feeling. That is all.

Q. Was that all that happened, or did something else happen?

A. That is all.

The Court is adjourned until 1415 hours.

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The Court re-assembled at 1400 hours - 21 January, 1947.

The Shorthand Writer, Miss M.E. Renny is duly sworn.

3rd WITNESS FOR DEFENCE - Dr. SAITO (ACCUSED).

EXAMINATION IN CHIEF - Mr. HASEGAWA (Contd).

Q: Do you know Lt. Col. BOWIE?

A: He was in charge of the BOWEN ROAD Hospital.

Q: Had you any special connection with this P.O.W.?

A: It was the end of October, 1942, when the American Air Force raided HONGKONG for the first time. At that time the patients at the BOWEN ROAD Hospital watched the air raid and when the Japanese Anti-Aircraft did not hit the Aircraft, they clapped their hands and were very happy about it. There was a communication from the Naval Detachment that was in the vicinity underneath the BOWEN ROAD Hospital about this clapping by the P.O.Ws. This was communicated with the Guard Detachment at BOWEN ROAD Hospital. When I received this communication, I telephoned Lt. Col. BOWIE, and asked him to see that at later times such clapping of hands would not be permitted. About two days later there was another air raid. At that time the patients at the BOWEN ROAD Hospital did not clap their hands, but they came out on the verandah and watched the air raid. This watching of the air raid by the P.O.Ws. was seen by the Guards attached to the Hospital at that time, and also by the Naval Detachment. After the air raid, I went to investigate if there was such a fact as the P.O.Ws. watching the air raid. I had Lt. Col. BOWIE with me and I went to the patients' ward. I asked Lt. Col. BOWIE if he had cautioned the patients and he said he had. I asked the patients if they had heard the caution, and the patients said that they heard the first caution. Then I asked the patients if they were told not to go on to the verandah to watch air raids in the future, and they said that they heard this caution. I asked the patients if they had heard the caution, why did they come out on the verandah and watch the air raid. Because of that, the P.O.Ws. heard the caution about not watching air raids from Lt. Col. BOWIE, and they came out on the verandah and watched the air raid, also because of that Lt. Col. BOWIE cautioned the P.O.Ws. and they did not obey his caution, therefore, I slapped Lt. Col. BOWIE and also the patients.

Q: Do you remember a Major by the name of BOXER?

A: Major BOXER was at BOWEN ROAD Hospital during the end of October, 1942. After the incident I just explained, I went to the BOWEN ROAD Hospital and gathered the Medical Staff and also the walking patients. I explained to them that when there is an air raid, it was not proper to clap hands and laugh. I cautioned them saying that during future air raids everybody would be confined to their quarters. After this I told everybody except Major BOXER that they could leave. At that time I received an order from the Camp Commandant asking me to do what I could to have Major BOXER sign the pledge not to escape because at

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3rd WITNESS FOR DEFENCE - Dr. SAITO (ACCUSED).

EXAMINATION IN CHIEF - Mr. HASEGAWA (contd).

that time he had not signed the pledge. I explained to Major BOXER that he was the only one that had not signed the pledge, and that it would not be proper for him. I also explained that because he has not signed the pledge, he might be embarrassed by being put into Prison and that I did not like him to suffer in such a way. I told Major BOXER this because I had heard that some P.O.Ws. were confined to Prison because they did not sign the pledge. I tried my best to encourage Major BOXER to sign the pledge, but Major BOXER stubbornly refused. I asked him to explain the reason why he did not wish to sign the pledge. Then Major BOXER said, he did not think the Japanese would sign such a pledge, and, therefore, finally I slapped Major BOXER.

Q: Did you only slap Major BOXER, or did you take other methods?

A: I only slapped him.

Q: Do you remember a Captain CAMPBELL?

A: Captain CAMPBELL was an Officer at the BOWEN ROAD Hospital, and I think he was in the R.A.S.C.

Q: Did you have any special connection with this Officer?

A: I only knew him as such, and I did not have any special connection with him.

Q: I wish to refer to Exhibit No.2 next. In this affidavit it states that you slapped Captain CAMPBELL at the same time as Lt. Col. BOWIE the next day after the American air raid. Did you hear this statement?

A: I heard the statement, but I do not remember slapping him.

Q: Do you remember a Major ROBERTSON?

A: Major ROBERTSON was from the first in charge of the Medical stand at the SHAMSHUIPO Camp, and he was a Member of the R.A.M.C.

Q: Did you have any special connection with this Officer?

A: No I did not have any special connection.

Q: I wish to refer to Exhibit Y. It states that on the 5th April, 1942, you slapped Major ROBERTSON - Did you hear the statement?

A: I heard the statement, but I do not remember anything to that effect.

Q: By that you mean perhaps there might have been such a fact, but you have forgotten about it, is that correct?

A: No, I mean there never was such a case.

Q: During the time you were supervising the BOWEN ROAD Hospital, was there any incident of theft?

A: There was an incident of theft sometime during the end of November, 1943. I do not remember the exact date, but a suitcase belonging to a patient by the name of GILL was found in the barb wire entanglement around the camp, and I investigated into this suitcase theft. The investigation started about 6 p.m. At this investigation there was Interpreter NIIMORI, Interpreter WATANABE, Sgt. ITO and myself. As a result of this investigation, it was found out that a P.O.W by the name

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3rd WITNESS FOR DEFENCE - Dr. SAITO (ACCUSED).

EXAMINATION IN CHIEF - Mr. HASEGAWA (contd).

of MURRAY and another P.O.W. ARCHIBALD together stole the suit case. It was found out that ARCHIBALD was on night duty at the hut where GILL stayed, and that on that day the Medical Orderly, MURRAY, entered GILL's ward. At that time ARCHIBALD went to see GILL. As ARCHIBALD was on night duty, he told MURRAY a suitable time to come. It was found out that he called MURRAY by hand at a suitable time about midnight and MURRAY stole GILL's suit case, and also that MURRAY stole a Watch and a Gold Ring from the suit case. After examining MURRAY further, it was found out that MURRAY from time to time received Watches and other articles from the patients and sold them through the Guards, and that MURRAY took a certain amount of commission when he sold such articles through the Guards. At that time the P.O.Ws. were strictly prohibited to sell articles and also to talk freely with the Guards. I thought at that time after such a thing was left without doing anything about it, the same incident will occur again in the future. Because of these reasons I slapped MURRAY and NIIMORI also slapped him. Sgt. ITO slapped him with a piece of leather. My investigation of MURRAY ended about midnight that day. That night he was detained in a small room near the Guard House and the next morning he was returned to the Hospital. This was the incident of theft.

Q: Then according to your evidence you slapped MURRAY because it was found out after the investigation of MURRAY and ARCHIBALD that he stole something, is that correct?

A: That is correct. I slapped him because it was found out that he stole something.

Q: When you investigated these two P.O.Ws., did they immediately confess to the theft?

A: At the beginning they did not, but during that time GILL was also interrogated and so were the other patients, and he was also inspected. After the interrogation of the other Members of the Medical Staff, the daily behaviour of MURRAY and ARCHIBALD was found out, and as a result of this examination, it was found out that MURRAY took a leading part in the theft and that ARCHIBALD was an Accomplice. Because I wished to prevent any such future incidents and also if a Member of the Medical Staff did such a thing it was not proper, so I slapped MURRAY. After that incident there were no other such incidents at the BOWEN ROAD Hospital.

Q: You said that you interrogated other Members of the Medical Staff and found out the daily behaviour of MURRAY and ARCHIBALD. Can you name the other Members of the Medical Staff that you interrogated?

A: I do not remember the names, but I do remember that I interrogated two or three members of the Medical Staff.

Q: Do you remember if you had any special connection with the other Medical Orderlies?

A: I do not remember selecting any other Members of the Medical Staff.

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3rd WITNESS FOR DEFENCE - Dr. SAITO (ACCUSED).

EXAMINATION IN CHIEF - Mr. HASEGAWA (contd).

Q: You said that you detained MURRAY and ARCHIBALD in a room near the Guard house during the night. Are you sure that they were returned to the Hospital the next day?

A: I only detained MURRAY in the room near the Guard house. I did not detain ARCHIBALD. The next morning about 7 a.m. I returned MURRAY to the Hospital. After returning him to the Hospital, I left HONG KONG Island and returned to KOWLOON.

Q: Did you ever inspect the SHAMSHUIPO Camp Hospital?

A: I frequently inspected the Hospital.

Q: During your frequent inspections of the Camp Hospital, did any special incident occur?

A: No special incident occurred.

Q: On page 132 of the 8th day's proceedings, the witness in his evidence states: -

"I saw a man one day, who did not come to attention usually enough!"
near the Sanitary room for the 4th with his sword scabbard. *Rec*

Did you hear this evidence in Court?

A: I heard the evidence.

Q: What can you comment on this evidence?

A: I think that there never was such a case.

Q: What was your answer, I did not hear it?

A: As I remember there never was such a case.

Q: Do you know whether there was a working party amongst the P.O.Ws. of the HONGKONG P.O.W. Camp?

A: There were such working parties from time to time.

Q: Explain what you know about these working parties?

A: As I remember there would be a communication from the Governor General's Office requiring a certain number of P.O.Ws. for work. As I heard it, the necessary number of P.O.Ws. according to the number stipulated in the communication was selected through the senior P.O.W. Officer. The work that these P.O.Ws. did was work at the KAITAK air field, breaking down a hill at the KAITAK air field, transporting heavy articles at ABERDEEN, some kind of work at LI CHI KOK and also farming work was done at HAPPY VALLEY.

At that time, I did not select the members of these working parties and because of this I did not know the fitness of the P.O.Ws. in the working parties. At the beginning the work was light and as I heard it, Members of these working parties received sweetened Tea and some cakes. By September, 1942 because the work became heavy and also because the fitness of the P.O.Ws. deteriorated, they did not like to go out on these working parties.

Q: You said just now that you did not take any part in selecting Members of the working party - then who selected the Members of the working party?

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3rd WITNESS FOR DEFENCE - Dr. SAITO (ACCUSED).

EXAMINATION IN CHIEF - Mr. HASEGAWA (contd).

A: As I just said the order would be passed on to the senior P.O.W. Officer, and he in selecting with the P.O.W. Doctor would select the working party, but this is what I think, I am not sure.

Q: You said at the beginning the work was light and sweetened Tea and Cakes were given to the work parties. What do you mean 'by the beginning'?

A: At SHAMSHUIPO, I think it was the beginning of April, 1942.
At NORTH POINT, I think it was about the beginning of June, 1942.

Q: About these various working parties, you said that you heard about them - does it mean that you heard about them through your duties, or did you hear it from outsiders?

A: By that I mean, I went frequently to the Commander in charge of the Camp House and heard from him about these working parties.

Q: Did you not receive any reports from the P.O.W. Doctors concerning the working parties?

A: I did not even receive one report from the P.O.W. Doctors.

Q: What was the percentage number of P.O.Ws. included in the working parties compared to the total number of P.O.Ws. in the Camp?

A: I think it would be alright to say that the working parties consisted of five to six per cent of the total number of P.O.Ws. At NORTH POINT I think the percentage would be more, about twelve to thirteen per cent of the total number of P.O.Ws.

Q: When you were explaining about rations, you said that the labourers were always short of rations. By that do you mean that all Members or the working party were short of rations?

A: Yes, like I explained before, all members or the working parties were short of 130 to 170 calories.

Q: You just said that from September the work became heavy and the fitness of the P.O.Ws. deteriorated. Did you make any investigation into the deterioration of the fitness of the P.O.Ws.?

A: I did not receive any reports directly from the P.O.W. Doctors concerning the deterioration, or fitness of members of the working party, but from the beginning I spoke frequently with the P.O.W. Doctors, that if they divided the rations evenly, it would cause a deterioration in the fitness of the labourers. As I explained before the dividing of ~~xxx~~ rations evenly was the opinion of the majority of the P.O.Ws. Because of this until the end the labourers were not able to receive the labour rations that were issued to them, except in the case of HAPPY VALLEY.

Q: Did you ever carry out an inspection of the place of work of the working parties?

A: Except HAPPY VALLEY, I did not.

Q: Did you not go anywhere else except HAPPY VALLEY?

A: I did not.

Q: You said that you inspected the work at HAPPY VALLEY,

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3rd WITNESS FOR DEFENCE - Dr. SAITO (ACCUSED).

EXAMINATION IN CHIEF - Mr. HASEGAWA (contd.)

therefore, explain the state of affairs or the work at HAPPY VALLEY?

A: The Camp Commandant ordered me to inspect the work at HAPPY VALLEY from the medical point of view. The purpose of my inspection was to see whether the P.O.W. were over exerting themselves at work. The work at HAPPY VALLEY was to begin on the 1st February, 1945 and end by the 20th February, 1945. The work at HAPPY VALLEY was to take away the turf and turn over the earth. Ten days were allowed to turn over the earth turf, and ten days were allowed to clean away the turf from the turn over earth. The area that was worked like that was 150 metres by 300, metres. That is to say that the area that was worked was 300 metres x 150 metres. That is to say ten days work was allowed to turn over the earth and ten days allowed to take the turf away. The area would be worked twice, therefore, 300 metres x 150 metres x 2. This work was done in twenty days, therefore if the answer or the multiplication is divided by 20, the answer would be 4,500 sq. metres. Therefore, the amount of work allowed for a day would be 4,500 sq. metres. The number of P.O.Ws. that were on this work was 160. If 4,500 sq. metres was divided by 160, then the area allowed to one man would be 28 sq. metres. At that time 170 P.O.Ws. were actually on this work. The 170 men - two or three men would be allotted to the cook house and if hypothetically there would be two or three patients at least, then there would be 160 men to do the work. Therefore, it would mean that one P.O.W. would have to do 28 sq. metres. In JAPAN a farmer when cultivating his farm, 33 sq. metres per day would be looked upon as a very small amount of work. Therefore, considering this I did not think that the work of 28 sq. metres per man at HAPPY VALLEY could be considered as over exertion. The time of work at that time was from 8-30 a.m. till 5-30 p.m. There was a one hour lunch period between these hours. Besides this there were two to three five minute rest periods in the morning and in the afternoon. That is the five days which I inspected, the P.O.Ws. worked only seven hours per day. At this time special care was taken about the labourers' rations and another 2,600 calories of rations were given to the labourers on the HAPPY VALLEY work. Besides this extra vegetables were given to these labourers, and I do not think that the caloric value of the food that these labourers took was under 2,600 calories. Also one P.O.W. Medical orderly went with this labour party to take care of any injury caused from the work. As I remember it, during the five days when I inspected the work, there was one P.O.W. who was suddenly attacked by a stomach ache, and he was permitted to rest, and later he was admitted to the BOWEN ROAD Hospital. As I saw it, because the work was not over exhausting and also because there were enough calories, I think that the management of the work went on satisfactorily.

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3rd WITNESS FOR DEFENCE - Dr. SAITO (ACCUSED).

EXAMINATION IN CHIEF - Mr. HASEGAWA (contd).

Q: When you went to the HAPPY VALLEY work, did you go to supervise the work?

A: I went to see that the P.O.s. were not overworked.

Q: Who was Supervisor or the working party?

A: The Supervisor of this work was the Camp Commandant. In accordance with the orders of the Camp Commandant, Lt. TANAKA, was in charge of the work and also perhaps Interpreter NIIMORI was there. Also as I have just said I went there to inspect from a medical point of view.

Q: Who actually supervised the working party on the spot?

A: During the five days I was there I watched the work.

Q: From what day to what day was the period or five days when you watched the work?

A: As I have already said I was there ~~for~~ during the last five days or the work, therefore, it would be from the 15th to the 20th February, 1945.

Q: Then during those five days, did you actually supervise the work?

A: I was there and saw to it that the P.O.s. were not overworked.

Q: I wish to refer to Exhibit K(1). According to this Exhibit it states that Dr. SAITO overworked the P.O.s. and that the P.O.s. did not finish the allotted area - they were worked until 9 o'clock at night - did you hear the statement?

A: I heard the statement. I believe that this can be understood by the explanation that I gave awhile ago.

Q: Can you give a more direct answer - is the statement true, or is it false?

A: During the five days I was there, there never was such a case.

DEFENCE COUNSEL: With this I have finished my questioning about the working parties, and I will continue to-morrow.

The Court is adjourned until 1000 hours on 22.1.47.

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NO.5 WAR CRIMES COURT.

43RD DAY'S PROCEEDINGS of the trial of Col TOKUNAGA ISAO, Capt. SAITO SHUNKICHI, Lieut TANAKA HITOSHI, Interpreter TSUTADA ISSUO and Sgt HARADA JOTARO held at HONG KONG on the 22nd January 1947, at Jardine Matheson's East Point Godown.

the Court re-assembled at 1000 hours.

22nd January 1947.

3RD WITNESS FOR DEFENCE -- Dr. SAITO (ACCUSED)

EXAMINATION IN CHIEF -- Mr. HASEGAWA (Cont).

COURT: Will you remind witness that he is still bound by his original affirmation.

Q. When you gave your personal history you did not mention when you became a Captain, when did you become a captain?

A. I became a Captain in April 1944.

Q. When you explained the procedure when a POW patient was hospitalised you said that the Japanese Medical Officer would decide on the application of the POW and report the matter to the Camp Commandant; also you said that the procedure at the NORTH POINT Camp would be ~~with~~ the Commander in Charge of the Camp would directly communicate with the Camp Commandant for permission, but you did not say that the POW side would refer the matter to the Japanese doctor; in the case of the NORTH POINT Camp, didn't the Japanese Medical Officer decide on an application?

/that

A. At the NORTH POINT Camp from March 1942 until June 1942 there was a lieutenant by the name of SAWADA who was in charge of the same duties as myself. After this date, the Commander in Charge of the Camp directly communicated the application for hospitalization to the Camp Commandant and received the Camp Commandant's permission to have the patient hospitalized.

Q. Do you remember anything about the state of affairs of the water supply at the BOWEN ROAD Hospital.

A. From September 1944, the water supply at the BOWEN ROAD Hospital was shut off. The reason for this, as I heard it was the shortage of coal in Hong Kong; because of this shortage it was difficult to generate sufficient electricity. At that time not only the water supply to the BOWEN ROAD hospital but the water supply to the guard house and the Officer's mess, which was on a higher level than the hospital, was also shut off. The reservoir on BOWEN ROAD was dammed up and through a pipe water was supplied to the BOWEN ROAD hospital; also this dammed up water was piped to the guard quarters under the BOWEN ROAD hospital. At that time not only the water supply to the BOWEN ROAD Hospital but also the water supply to the Japanese quarters was shut off.

Q. Do you remember anything about the records that were kept at the BOWEN ROAD hospital?

A. During August 1945, at the time of the Japanese surrender, in accordance with an order by the Governor General's Office that all documents and records should be burnt, the records at the BOWEN ROAD Hospital were brought to the POW HQS, and with other documents, the records were burnt.

PROSECUTOR: Mr. President, you can correct me if I am wrong but isn't there a document filed with the proceedings respecting the burning of those records and documents which were kept at the BOWEN ROAD hospital?

COURT: Yes there is -- it is attached to Col BOWEN'S evidence.(U(1)).

PROSECUTOR: If it has been accepted as authentic I would submit that if any part of the answer made by accused is in variance of that, it should be struck off the record.

COURT: Witness has not stated that the documents were not burnt -- he has merely said they were burnt by an order of the Governor General.

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3RD WITNESS FOR DEFENCE -- Dr. SAITO (ACCUSED).

EXAMINATION IN CHIEF -- Mr. HASEGAWA (Cont).

⁸¹¹
COURT: He is merely explaining why the documents were burnt.

PROSECUTOR: There is a difference in explaining and amplifying on the documents that were burnt.

COURT: The document has not been put to him?

PROSECUTOR: It has been produced in Court, sir. He is putting evidence in the Court now, as I understand it, which is in variance to a written statement which carries his signature on it; I haven't the document before me, and I may be wrong, but I submit if the witness' answer is in variance, it should be struck off the record. He cannot change the evidence already submitted.

COURT: At the present time witness has said nothing in direct contradiction to what appears in the Annex of Col BOWIE'S affidavit (Exhibit U(1)). In this document which has been signed by the witness, SAITO, it says: (The Court reads the relevant portion from the affidavit); therefore, he has said nothing in variance -- he has merely said how the records and documents came to be burnt.

PROSECUTOR: Sir, I submit this merely for your consideration.

COURT: The Court are quite satisfied.

PROSECUTOR: I submit he is now adding to the statements in that document, Sir.

COURT: No, he is merely trying to explain; the Court are quite satisfied.

- Q. You said that the documents and records were destroyed in accordance with an order from the Governor General; did you actually receive the order?
- A. This order was addressed to the Camp Commandant, and in accordance with the instructions passed to me by the Camp Commandant, in compliance with the order from the Governor General, I had the records and documents destroyed.
- Q. After the records and documents were burnt, what were the final measures concerning this?
- A. Some time after I had these documents burnt Col. BOWIE asked me to return the documents and at that time I gave him a certificate stating that I burnt the documents.

DEFENCE: With this I conclude my Examination-in-Chief.

COURT: Mr. FUJITA, you appreciate that you now have the right to cross-examine this witness if you wish to do so.

DEFENCE: I have several questions I wish to ask.
(Mr. FUJITA).

CROSS-EXAMINATION -- Mr. FUJITA.

- Q. When you became the Japanese Medical Officer attached to the Hong Kong POW Camp, were you appointed in charge of all the medical affairs concerning the Hong Kong POW Camp?
- A. That is correct.
- Q. When you did the various duties concerning the medical affairs of the POW Camp, were you always under the supervision and instructions of the Camp Commandant, or were there some duties which you could do on your own initiative?
- A. I did my duties within the Camp Commandant's scope of orders but as a medical officer there were two points that I was fully responsible for

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3RD WITNESS FOR DEFENCE -- Dr. SAITO (ACCUSED).

EXAMINATION IN CHIEF -- Mr. HASEGAWA (Cont).

without the orders of the Camp Commandant -- one was the diagnosis of the Japanese staff and the other was the medical treatment of the Japanese staff; these two duties I did on my own authority as a physician and on these two points I did not receive any supervision or order from the Camp Commandant.

- Q. Regarding the Medical Department of the Governor General's Office -- what medical work did this department do towards the subordinate units of the Governor General?
- A. The Chief of the Medical Department supervised the various medical officers attached to the subordinate units, but the medical officers attached to the subordinate units did not directly receive orders from the Chief of the Medical Department.
- Q. During the time when the Japanese Military Hospital issued drugs to the Hong Kong POW Camp, who fixed the amount that was to be issued?
- A. The Camp Commandant would give the documents to the Medical Department and I think that the Chief of the Medical Department fixed the amount that would be issued.
- Q. As a Medical Officer and physician, what would have been the best method of procuring drugs from the Medical Department?
- A. About drugs, I would only go and see the Chief of the Medical Department to assist in obtaining the drugs but in the main part the Camp Commandant would have to apply to the Governor General or the Chief of the Medical Department directly to obtain the drugs.
- Q. In your evidence you said that when a patient was hospitalized from the SHAM SHUI PO Camp to the BOWEN ROAD hospital, the Camp Commandant's order was necessary, what sort of order was this, was it an order stating that the Camp Commandant agreed with the necessity of having the patient hospitalized because of his disease, or was it an order permitting a POW to leave SHAM SHUI PO Camp?
- A. It was an order including both these points.
- Q. Was there ever an occasion where because of sickness or because of a trip the Camp Commandant could not do his duties for a long time?
- A. Yes, there was a period beginning in December 1943 and lasting until the end of January 1944; at this time the Camp Commandant made a trip on business and also because of health.
- Q. In such a case when the Camp Commandant was not present and when there was an emergency case, whose permission would be asked to have a patient hospitalized?
- A. In cases when the Camp Commandant was despatched on duty or was away because of illness, there would always be somebody who would be appointed as Deputy Camp Commandant and, therefore, the order of this Deputy Camp Commandant would be received.
- Q. Was it always necessary to receive the permission of the Camp Commandant before a patient could be hospitalized, or was it possible, because of the circumstances, to have a patient hospitalized first and then report the hospitalization to the Camp Commandant later?
- A. The Camp Commandant's permission would always be necessary, that is to say, if the Camp Commandant's permission was not received, transportation could not be obtained; therefore, as I remember it, there never was a case when a patient was hospitalized without first receiving the Camp Commandant's permission. In receiving the Camp Commandant's permission even late at night or even by telephone, when the Camp Commandant was somewhere -- the Camp Commandant's permission should always be received.
- Q. The work at HAPPY VALLEY, was this work part of the work of the POW Camp or was it something else?
- A. I do not think it was part of the work of the POW Camp.
- Q. Do you know whose work this was?

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SRD WITNESS FOR DEFENCE -- Dr. SAITO (ACCUSED)

EXAMINATION IN CHIEF -- Mr. HASEGAWA (Cont).

A. All I know is that this work was done in compliance with an order from the Governor General.

DEFENCE: That is all.

CROSS-EXAMINATION -- Major PUDDICOMBE (PROSECUTOR).

Q. Dr. SAITO, when a Christian or a Hebrew swears on Almighty God to tell the truth it means that he undertakes to tell the truth and believes in a future life and punishment if he does not tell the truth -- that is called the sanction of the oath -- when you make a solemn declaration what is the sanction behind your declaration?

A. When I take an oath I take an oath for my own sake, saying that I would say the truth.

Q. Do I understand by that that you are guided by what you consider should be the telling of the truth?

A. That is correct.

Q. I believe that you were at the Medical School in all for seven years; three of which were pre-medical study and the other four for the study actually of medicine, is that correct?

A. No, that is not correct -- I spent three years in studying the German language so that I would be able to study medicine and I spent four years actually in studying medicine.

Q. That is what I meant -- you spent three years before you studied medicine in preparation for your study of medicine, do you agree?

A. That is correct.

Q. During the four years that you studied medicine did you make any study of bacteriology?

A. I did.

Q. I understand that from the time you graduated until the time you joined the Army you had had four months only of practical experience in the practice of medicine, is that correct?

A. After I graduated -- only two months.

Q. Only two months -- then do you agree that on the 31st of January 1942 when you took over as the POW Camp Medical Officer on the Japanese side you had a little more than one year's practical experience in medical practice?

A. I do not agree with you.

Q. Well, will you please point out to the Court where I am wrong in that analysis?

A. I graduated in March 1940 and from that date I took up the actual practice of medicine, and during that time I received the qualification as a physician.

Q. So that you correct me by saying that it was from sometime in March 1940 until the 31st January 1942 -- during which time you served as a NCO -- a Japanese medical N.C.O. in the Japanese Army for some time -- and that period is your period of experience in medical matters before you took up the position of Japanese medical officer in the POW Camp here in Hong Kong, is that correct?

A. I studied about medicine during the four years that I was in college; after my graduation I took up the actual practice as a physician -- that is from March 1940.

Q. And from March 1940 you practiced for two months, according to your statement, before you joined the Army, do you agree?

A. Yes.

Q. During that two months what experience and practice could you have gained; what type of medical practice could you have had -- was this a post-graduate course in internal medicine?

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3RD WITNESS FOR DEFENCE -- Dr. SAITO (ACCUSED)

CROSS-EXAMINATION -- Major PUDDICOMBE (Cont).

A. Yes, I studied about internal diseases.

Q. What is comprised in the term "internal diseases"?

A. Diseases that do not concern the eyes, nose and ears (otology?), diseases that do not concern surgery and diseases that do not concern children (pediatrics). All diseases besides the diseases that do not concern those I have just named are included in internal diseases.

Q. All diseases other than those you have mentioned just now are included in the course which you studied for two months?

A. There is no clear distinction for internal diseases.

Q. That is not my question -- it will save time if you answered my question -- I want to know if it was a period of two months study only that you gave to the study of internal diseases?

A. That is correct.

Q. Did that course of study include internship in a hospital as a post-graduate medical student?

A. I stayed at the College and studied the diseases.

Q. Do you mean by that that you studied from books rather than from actual experience of the disease as exhibited in certain live bodies?

A. From both.

Q. Where did you have the visual experience -- the actual physical experience of treating and diagnosing a case?

A. I studied the physical aspects by practicing on patients that came to the hospital, attached to the College.

Q. In our country, insofar as size is concerned, hospitals are graded by the number of beds or the number of patients that could be accommodated in the number of beds -- what size of hospital is this that you attended in terms of the number of patients that could be accommodated there?

A. I do not know the number of beds.

Q. Can you indicate to the Court what size this hospital was -- was it a large size or a small size hospital -- I do not mean the size of the building -- don't confuse me, I mean the number of people who could be treated in the hospital -- how many could be treated in the hospital?

A. Do you mean the number of patients that came to the hospital for treatment or the number of patients who stayed at the hospital?

Q. You have told us that you went to the hospital to treat patients -- I want to know what opportunity you had to see patients there -- now does that clarify the question?

A. I could see patients every day.

Q. How many patients?

A. Every day from 200 to 300 patients would come from outside.

Q. Were there any patients that were accommodated in the hospital in beds?

A. There were.

Q. Were these beds arranged in wards?

A. There were beds in the wards.

Q. There were wards then - is that correct?

A. There were wards.

Q. Those wards, were they apportioned according to the types of diseases or were the patients put in irrespective of what diseases they had?

A. All patients, except infectious diseases patients were in the same wards.

Q. And where were the infectious disease patients?

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3RD WITNESS FOR DEFENCE -- Dr. SAITO (ACCUSED).

CROSS-EXAMINATION -- Major PUDDICOMBE (Cont).

A. They were accommodated in the infectious disease wards.

Q. I see - how large was that ward?

A. Do you mean the number of beds or the number of patients?

Q. Any way you want to describe it -- I want to know how large that infectious ward was?

A. Sometimes one infectious disease patient would be quartered in a small room; sometimes five or six patients suffering from the same infectious disease would be accommodated in a room.

Q. Do I understand that the maximum number of infectious disease patients you hospitalized were six?

A. More could be accommodated.

Q. How many more -- let me put it this way -- how many more patients were accommodated during your two months tenure at the hospital?

A. I do not remember clearly but about 100 patients.

Q. 100 patients at any one time or was that for the whole part of the two months while you were at that ward?

A. When the patients would recover they would be dismissed and some new patients would come in -- on the average it was about 100.

Q. Can you tell the Court what diseases were segregated in those infectious wards -- that is during the time you were there?

A. Mostly typhoid fever patients.

Q. Go on ..

A. There were some cases of dysentery.

Q. I am asking you for a list I am not going to supply it to you -- you tell me what there was?

A. There were ten types of infectious diseases laid down by the law.

Q. I am not interested in technique or in the law on infectious diseases -- I want to know, during the two months that you were an interne in that hospital, what types of diseases were there in the infectious ward -- you have given us two -- if that is conclusive just say so and we shall continue with the next question.

A. Besides these two there were not many other infectious diseases prevalent.

Q. It is up to you, doctor to tell the Court whether there were or whether there were not and if you have finished naming the diseases in the infectious ward I will continue with the next question; but you have got to make your answer conclusive now.

A. These were the only types of infectious diseases that I saw.

Q. Do you agree that due to the complexity of the invariables in the human constitution that a considerable degree of skill of a physician in diagnosis and treatment is due to his vast experience?

A. I agree with you.

Q. A Japanese medical student, when he graduates, does he take, what in western countries is known as the 'Hippocratic Oath', or does he take anything corresponding to the Hippocratic Oath?

A. No oaths are taken.

Q. You said that your duties, insofar as the POWs were concerned, were full supervision of the POW medical officers in relation to diagnosis and treatment -- you have also said that you had to supervise the sanitary affairs generally, which included looking into the condition of the hospitals and that medicine and instruments and so on were provided; have you anything to add to what your duties as the POW Camp Japanese Medical Officer were?

A. That is all.

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3RD WITNESS FOR DEFENCE -- Dr SAITO (ACCUSED)

CROSS-EXAMINATION -- Major PUDDICOMBE (Cont).

- Q. Don't change your answer later, I will give you the chance again to mention any other duties you may have had now?
- A. In compliance with the order of the Camp Commandant I did such medical duties.
- Q. These were all?
- A. If there were orders from the Camp Commandant, I would obey the orders.
- Q. The Camp Commandant disclosed that you had no disciplinary duties whatsoever, do you agree with that?
- A. I was in charge of the supervision and instruction of medical affairs.
- Q. I asked you -- and please answer the question -- whether you agree with the Camp Commandant's statement that you had no disciplinary duties -- now, that is the question -- I do not want to know what other duties you did?
- A. However, I was in charge of supervising medical affairs.

PROSECUTOR: I need the Court's direction here as to whether or not the witness wants to answer the question; he has not answered the question directly.

The stenographer reads the question.

COURT: The Prosecutor has asked you whether you agree that the Camp Commandant is right or wrong when he said that you had no disciplinary duties -- now will you answer the question.

WITNESS: I agree.

COURT: The Camp Commandant is right?

WITNESS: Yes, I agree that the Camp Commandant is right.

- Q. Will you tell the Court what right you had to allocate to yourself the authority to slap Dr CRAWFORD for any offence he may have committed whatsoever?
- A. I did that with the purpose of supervising and instructing the medical staff.
- Q. I see -- so when you are talking of supervision you are hoping that we will not tie you down to what you meant by supervision so that now when you say you punished a person, it was for supervision and not discipline?
- A. In supervision the word training would be included not punishment -- I did that with the purpose of training the medical staff.
- Q. Do I understand that you, with two months practical experience undertook to train Major CRAWFORD who, according to his statement had been some nine years in practice, before you ever saw him?
- A. There was a necessity for training or teaching at that time so I taught Major CRAWFORD by doing such --
- Q. By slapping him across the face with your stethoscope, correct?
- A. I did not hit him with a stethoscope.
- Q. Was it then training you were indulging in when under your experience and supervision MURRAY and ARCHIBALD were slapped by NIIMORI and Sgt ITO?
- A. It was a ~~xxx~~ sort of training.

The Court is adjourned for five minutes. *C1134-L, RCL*
 The Court reassemble. *C1135-L, RCL*

- Q. You also told us that you slapped Mel CRAWFORD because he did not ask Major ASHTON ROSE for serum, did you slap Major ASHTON ROSE because he did not proffer serum to Major CRAWFORD?
- A. I did not.

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3RD WITNESS FOR DEFENCE -- Dr. SAITO (ACCUSED).

CROSS-EXAMINATION -- Major PUDDICOMBE (CONT).

Q. You told us that among your duties was the supervision and diagnosis of patients, do you mean by this supervision that you would check the diagnosis of the Medical Officers of the POWs in order to correct them if they were wrong?

A. My work was to instruct and supervise the diagnosis and treatment, but as a physician I did not interfere with the diagnosis of other physicians.

Q. By supervision do you mean that you required proof from the POW medical officers as to the manner by which they or he had made his diagnosis?

A. My duty was to see that the diagnosis and treatment could be carried out fully -- if it could not be carried out fully, I would express my opinion to the Camp Commandant and have it so that the diagnosis and treatment could be carried out fully.

Q. We will leave treatment apart for a moment -- what supervision did you make of diagnosis -- that is my question?

A. I assisted.

Q. In what way did you assist?

A. By assisted I mean if the POW doctors wished to have something examined, I would receive permission from the Camp Commandant and take that to the Anti-Epidemic Centre for examination.

Q. Don't let us get specific for the moment, we are speaking about generalities

A. But the POW doctors actually did the diagnosis and treatment of the patients.

Q. Then I understand that a diagnosis having been made by the POW medical officer, that diagnosis would be accepted by you without any question, am I correct?

A. That is correct.

Q. So in the event of an incorrect diagnosis you made no effort whatsoever toward directing them?

A. I would not instruct to have the diagnosis corrected, I would only give my consultation as a physician to the POW doctor.

Q. And then, if the POW doctor did not accept your suggestion in consultation you left the patient to suffer from what you considered incorrect, am I right?

A. If I gave my opinion to the POW doctor, and the POW doctor refused my opinion, I could not do anything else.

Q. Then, I understand, doctor, I hope correctly, that your idea of supervision of the diagnosis of POW medical officers was confined to asking what the diagnosis was, offering a suggestion and letting the matter rest there, is that correct?

A. That is all.

Q. Supervision of treatment you have told us was part of your duty, did that include seeing that the treatment prescribed by the POW medical officer was the correct one under the diagnosis that had been given?

A. That is not correct, that is not the meaning.

Q. Does it mean then that although you might have disagreed with the treatment prescribed you saw that this incorrect procedure was carried out?

A. I do not understand the question.

PROSECUTOR: Repeat the question.

The question is repeated.

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3RD WITNESS FOR DEFENCE -- Dr. SAITO (ACCUSED)

CROSS EXAMINATION -- Major PUDDICOMBE (Cont).

- A. The treatment was done by the POWs themselves and if I saw that the treatment was not properly done I made it so that the treatment could be properly done.
- Q. Would this then include seeing that the means to carry out the treatment were made available to the POW medical officers?
- A. If drugs and instruments were not sufficient to treat the patients I would report this matter to the Camp Commandant and I would distribute the materials that were received by the Camp Commandant to the POWs.
- Q. Then it was your duty to see that the treatment could be carried out, is that correct?
- A. That is correct.
- Q. Now, I understand from your evidence, it was your duty to examine a request for medicine and drugs made by POW medical officers and obtain them, and quoting this from your evidence, page 571 "issue them according to necessity" .. the obtaining of drugs was the responsibility of the Camp Commandant, I would distribute the drugs obtained by the Camp Commandant -- I have not asked the question -- I am making a comment -- my question is this, did you decide on the quantity of drugs which were necessary?
- A. I did not.
- Q. Then what do you mean when you say that they were distributed according to necessity, who made the decision as to the necessity of the drugs?
- A. At the time of the distribution, I would decide on the amount that would be distributed.
- Q. Then you did decide on the necessity, did you not?
- A. That is correct.
- Q. You told us one of your duties was the supervision of the British Military Hospital during the time it was at BOWEN ROAD; how often did you visit Bowen Road hospital in your capacity as supervising medical officer?
- A. Twice or three times a month.
- Q. Twice or three times a month -- your Hqs. were in KOWLOON, were they not?
- A. That is correct.
- Q. Was that twice or three times a month that you were able to come from KOWLOON to the HONG KONG side in order to go to the hospital -- how did you get from KOWLOON to the HONG KONG side?
- A. I would ride the bus from the POW HQ to the Star Ferry; then I would take the ordinary ferry from Star Ferry Wharf, and after reaching Hong Kong I would walk, but if there was a staff car available, I would use the staff car.
- Q. I understand then that during the period the British Military Hospital was at BOWEN ROAD you were able, at least twice or three times, to take a Star Ferry across the harbour?
- A. That is correct -- the ordinary Star Ferry.
- Q. As you crossed the harbour in the star ferry did you make any observations as to what shipping there was in the harbour -- for instance, did you see junks or sampans?
- A. There were many junks.
- Q. Were there any sampans?
- A. There were sampans also.
- Q. Now, you have outlined in your evidence (pages 571 and 572) that there were three modes of procedure by which POW medical officers could have

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3RD WITNESS FOR DEFENCE -- Dr. SAITO (ACCUSED)

CROSS EXAMINATION -- Major PUDDICOMBE (Cont).

patients sent outside; in the first the Medical Officer applied to the Camp Commander for permission of the Camp Commandant; the second, on receiving a request the camp commander referred it to you and you in turn went to the Camp Commandant, and in the third and final procedure you were approached by the POW medical officer, or his representative directly, whereupon you applied to the Camp Commandant; which one of these three methods of getting a patient hospitalized outside the camp was the most usual one?

A. The last two.

Q. So that it would be fair to say, Dr. SAITO, that in a great majority of the cases you were consulted with regard to the necessity of moving the patient, is that right?

A. Yes, about the application.

Q. As a matter of fact, the only time the first method was taken, that is when there was no reference to you was in the case of the NORTH POINT camp when diphtheria patients were shipped direct to BOWEN ROAD hospital?

A. As I said from March until June 1942 there was a Lieut SAWADA who had the same sort of duties as I had at NORTH POINT and he took care of the matter after this date until the camp was moved -- the Commander in charge of the camp was in charge.

Q. You have not answered the question specifically, Doctor -- I have asked you -- the only occasion when the first method was followed, that is without reference to you or the other medical officer, was in the case of the diphtheria patients who were moved to the BOWEN ROAD hospital -- answer the question?

A. Until the time that NORTH POINT Camp was moved the Commander in Charge of the Camp was made the request.

Q. You still have not answered the question -- was there any other occasion that a request to move a patient from the Camp -- whether it was the SHAM SHUI PO, NORTH POINT or ARGYLL STREET Camps outside the Camp, was made without reference to you?

A. Only in the case of NORTH POINT.

Q. Now, if I remember correctly, and I am asking the Court to correct me if I am wrong, when Col TOKUNAGA gave his evidence he stated, not being a medical officer he put very considerable reliance on your opinion on such matters, do you agree?

A. I agree with that evidence.

Q. Will you tell the Court then of any specific occasion when you recommended that a patient be moved from the Camp to the outside hospital and Col TOKUNAGA disagreed and refused to allow permission?

A. There were.

Q. I have asked you to tell us of any specific occasions?

A. It was when there was an Officer's Camp in the SHAM SHUI PO Camp; at the Officer's Camp at SHAM SHUI PO, Lt Col WHITE or Lt Col HOMER, I do not remember which, asked to have a patient hospitalized, and the Camp Commandant refused the hospitalization.

Q. On that occasion did you tell the Camp Commandant that the hospitalization was not necessary or did he disagree with your opinion and arbitrarily deny the patient access to the outside hospital?

A. I expressed the opinion that it would be better to have the patient hospitalized and operated.

Q. What reason did the Camp Commandant give -- was it a medical reason or was the reason respecting the accommodation at the hospital?

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SRE WITNESS FOR DEFENCE -- DR. SAITO (ACCUSED)

EXAMINATION IN CHIEF -- Major PUDDICOMBE (CONT).

- A. I do not know -- he only said 'I refuse'.
- Q. Then, do I understand from what you have just said, in the last few questions, that this was the only occasion on which the Camp Commandant did not rely on your opinion; if there are other occasions will you please state them?
- A. As far as I remember, this is the only one.
- Q. With the exception of this one case then is it not true to say that you were the person who decided whether a patient had to or had not to go to the hospital?
- A. I would only express my opinion; the Camp Commandant would decide.
- Q. Now, you have told the Court, in answer to a question by Mr. FUJITA, this morning, that there was one occasion, a period of approximately two months, when Col TOKUNAGA was not present at the Camp and that at that time a Deputy was substituted to whom ~~requests~~ requests of hospitalization were referred -- I am not speaking of an occasion of that kind so please confine your answer to the question I will put you -- were there not times when Col TOKUNAGA was away from the Camp for a period of say two or three hours when you would have had considerable difficulty in getting in touch with him, or it was impossible to get in touch with him?
- A. There never was such a circumstance.
- Q. Col TOKUNAGA disclosed that at times when he was away from the Camp HQS., he was at KADOORIE Avenue, do you agree that this was a distance of a mile from FORFAR STREET HQS., and about three to four miles from SHAM SHUI PO Camp?
- A. That is correct.
- Q. You may remember that Col TOKUNAGA told us that there were times when he used to take food to Mrs Mary Wong's grandchildren at 69 Robinson Road?
- A. I do not know where Robinson Road is.
- Q. Is it not a fact that there were occasions when Col TOKUNAGA was momentarily out of direct contact with you and the POW Camps?
- A. In all cases communication could be made with Col TOKUNAGA.
- Q. Even in cases when he was at 69 Robinson Road, which place you did not even know existed apparently?
- A. When Col TOKUNAGA was not present at the office he would always say where he would go to the Adjutant and the Adjutant was asked if Col TOKUNAGA'S whereabouts were not known.
- Q. Do you not agree then that it might have taken such an Adjutant as the Accused, TANAKA, more than a few minutes to find Col TOKUNAGA?
- A. I do not know.
- Q. Did it ever cross your mind that Col TOKUNAGA might have suffered an accident that would have rendered him unconscious?
- A. I do not know.
- Q. You do not know whether it crossed your mind or not or you did not give it consideration, which do you mean?
- A. The Camp Commandant was always in good health and, therefore, it never crossed my mind.
- Q. Therefore do I understand that you never made any provision for emergencies whatsoever in shifting patients from the camps to the hospitals?
- A. I could always communicate with the Camp Commandant.
- Q. You made no representation whatsoever to him then to cover emergency cases -- is that your answer -- because you felt that you could always communicate with him?
- A. It never crossed my mind.

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The Court is adjourned until 1400 hours on the 22 January 1947.

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43rd DAY

22 Jan. P.M.

At 1400 hrs. on 22 January the Court re-assemble pursuant to adjournment; present the same members as at adjournment.

3rd WITNESS FOR THE DEFENCE - Capt. SAITO Shunichi.

Cross-examination by the Prosecutor.

Q. In regard to the transfer of Maj. Hook, if I understand your statement as translated by Mr. Toshio (Interpreter) correctly, you said that Maj. Hook died of Endocarditis. Did you perform an autopsy.

A. The POW doctor did not make an autopsy.

Q. I asked if you made an autopsy.

A. I did not.

Q. Then is it true that the only method you had of deciding of Maj. Hook's death was that appearing on a death certificate.

A. That is correct.

Q. Are you sure that the death certificate mentioned endocarditis or it is possible that you have forgotten and that the cause of death is put down as encephalitis.

A. As I remember it, it was endocarditis.

Q. Dr. Anderson then at Central British School where the British Hospital situated when Maj. Hook died said Maj. Hook died of encephalitis, are you prepared to dispute this?

A. I heard the evidence.

Q. Answer the question then, I asked you. are prepared to dispute Dr. Anderson's evidence?

A. According to my memory, he died of endocarditis.

Q. Endocarditis is a disease of the endocardium, is it not?

A. That is correct.

Q. And that endocardium is the name of a lining of a section of the heart, is it not?

A. That is correct.

Q. On the other hand encephalitis is a disease of the nervous system which applies to the brain, do you agree?

A. I agree.

Q. The possibility of a mistake in a diagnosis is quite.....

ALL
Pre: Major Puddicombe, if you refer to Exhibit 2. You will see that against Maj. Hook's name appears

1) Acute endocarditis -

2) Encephalitis with inflammation of the meninges.

It is not stated clearly of which he died.

Prosecutor: Would the witness admit that the two diagnoses could not be confused?

Pre: I cannot see the point.

Prosecutor: The accused says nothing of encephalitis and I do not wish the accused to be able to say later he confused the two names. We are laymen.

Pre: I see your point now. Will you repeat your question? ALL

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- Q. I want to know if there is any possibility of confusing the two diseases in diagnosis, is it possible to confuse encephalitis and endocarditis?
- A. Sometimes the diagnoses of these diseases could be confused because the symptoms are the same.
- Q. Therefore to be sure, is it not proper to take spinal fluid and examine it according to the techniques of your profession?
- A. That would be only one method of making a differential diagnosis.
- Q. Is it not true that is a good method of making a differential diagnosis.
- A. That is a very good practice.
- Q. Is it not true that meningitis is a nervous disease located in the ~~central nervous system~~ spine rather than in the brain.
- A. Meningitis is a disease of the meninges and not of the nerves.
- Q. And meninges ^{are} what?
- A. Meninges ^{are} the membranes covering the cerebrum ^{or} and spine.
- Q. When differentiating between encephalitis and meningitis, would you not differentiate it as it effects the membrane of the spine.
- A. The question is very confusing.
- Q. You have spoken of three diseases, endocarditis, encephalitis and meningitis. Encephalitis pertains to brain. Does meningitis pertain to spine?
- A. That also pertain to the membrane of cerebrum.
- Q. Whatever the diagnosis, is it good practice to ensure that the disease is meningitis, encephalitis or endocarditis?
- A. It is absolutely necessary.
- Q. Is it not true that to distinguish meningitis it is also good technique to draw fluid from spinal cavity and examine it.
- A. Very good.
- Q. I refer to ~~Major Hood~~ ^{rec} it is in evidence he was in hospital in Camp for a considerable length of time before he was sent to the British Military Hospital; it is also in evidence that the camp medical officer desired to have such fluid examined; it is also in evidence that to do so they had to pass the fluid secretly from POW officer camp to the POW. Other Reeks Camp through the wire fence. Will you tell the Court what steps you took to make it easy for them to take the step necessary to obtain what you call a differential diagnosis?
- A. I said when I heard it, the examination had been carried out and the result was positive.
- Q. Yes, but answer my question. Is it not true, whatever reason you may give, that you took no steps to make that that differential diagnosis possible?
- A. I do not remember any request for an examination.
- Q. I did not ask about ^a request, I asked ^a specific question, ^{rec} answer specifically.
- Q. If it was requested to be at that time, I would have taken steps for an examination.
- Q. Did you do anything yourself?
- A. I was not requested, therefore I did nothing.

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- Q. You said you examined Maj. Fock yourself, when was this, at the beginning or the end of his sickness?
- A. The day before he was hospitalized to Central British School.
- Q. It is in evidence that he was in hospital for a month before and that many requests for an examination were asked to you. Did you make any examination at that time?
- A. In June I visited that hospital and heard that he was suffering from malaria. I did not examine him but only saw him with my eyes.
- Q. Do you agree he was very sick when you saw him?
- A. I did not think it was serious.
- Q. So when ^{all} requests came to you, you made no examination, although previously you thought he was not sick.
- A. When I heard a report he was suffering from malaria. I did not think it serious and therefore I made no examination.
- Q. That was the beginning of his hospitalization in Camp?
- A. Yes.
- Q. Will you not agree that your neglect was most unfortunate inasmuch as he died of the conditions which could have been diagnosed when you first visited him?
- A. I do not think so.
- Q. Why?
- A. Because I think that when I first saw the patient the PCW doctor told me it was malaria and that the patient was not serious. The PCW doctor should have known best about condition of the patient.
- Q. What was preventing you from going on your own to the Camp Commandant and recommending the hospitalization of a patient outside the Camp?
- A. There was nothing.
- Q. Do you agree whether Maj. FOCK had endocarditis, encephalitis, meningitis or malaria, he could have been better off in hospital and he would have been treated to greater advantage than in the Camp hospital?
- A. Yes, he could have been treated better in an outside hospital.
- Q. Is it true then that you waited one month until requested by the medical officer, before you had him hospitalized to his best advantage?
- A. After I received the request I made the hospitalization arrangements.
- Q. Are there not certain surgical conditions requiring operation without loss of time?
- A. I agree.
- Q. Do you agree that the condition described by Dr. Anderson as volvulus of the intestine or intestinal obstruction is such as to require an operation with the minimum loss of time.
- A. I agree.
- Q. Now again, your duties as described by yourself, there was to see hospital facilities and arrangements were supplied; you told us that only ten percent latrine buckets were issued; Col. Crawford said 12 latrine buckets were issued and produced a receipt (Exhibit F.); Lt. Col. Crawford said that in October

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1942 there were 500 patients in the hospital of which 191 suffered from dysentery and diarrhoea (page 12 of the proceedings) you both agree that the number of ~~patients~~ buckets was inadequate; you said you asked Camp Commandant for more and that he ordered Intendant officer to procure them; now over and beyond that, my question is what did you do to see that more buckets were made available?

A. That was all I could do.

Q. I understand therefore that you never went to the Intendant officer to ask if he had requested more latrine buckets from the Supply Depot.

A. I have said that.

Q. What did he say?

A. He said he had requested the Supply Depot but could not get the sufficient number.

Q. Did you go to the Supply Depot to verify this answer.

A. I did not.

Q. Did you enquire as to substitutes for buckets?

A. I did not.

Q. In other words, is it true that after you made your request to the Camp Commandant and verified that it went through, you did nothing further to alleviate these filthy conditions.

A. My asking the Camp Commandant was the only way and most expedient to alleviate the matter.

Q. Also you will agree it was an entirely unavailing method.

A. The result was such.

Q. You have given an estimate of the calorific value necessary in food for non-workers, light workers and heavy workers; these calculations made by you differ greatly from those made by the P.C. doctors, Lt. Col. Crawford (P.15 of the proceedings and Mr. Whitfield Exhibit C.2); On what did you base your calculations?

A. They were based on a Japanese book.

Q. What book?

A. A book on nutrition (Dietetics).

Q. Am I right in saying that these two months of practical experience you did not have any experience in these deficiency diseases.

A. I have a large knowledge.

Q. All founded on reading of book and no practical knowledge, is this correct?

A. This knowledge I get from books and from actual practice.

Q. During two months of post graduate training?

A. Correct.

Q. On page 532 of the proceedings you said there were in camp, because the rations were divided equally, rather the apportioned unequally, between workers and non-workers. Do you agree that non-workers must have benefited due to this equal distribution.

A. I agree.

Q. Therefore according to your statement yesterday, if at Snarsall's Camp and 100 or 150 at North Point Camp were workers, the rest or 500 would have benefited from this distribution of rations, I am speaking from a mathematical basis, do you agree.

A. I agree.

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Q. Now, Dr. ^{Sale REC} have you asked the Court to conclude that all deficiency diseases in POW camps in Hong Kong were confined to 15% of the POWs?

A. I do not agree.

Q. Then will you agree that your computation of values is not of any value to the Court in relation to deficiency disease.

A. I do not agree.

Q. Will you tell the Court now ^{REC} what were the implications of your reports concerning metabolic calculations?

A. Concerning calories?

Yes.

Q. Yes.

A. By that I tried to explain the necessary amount required and the actual shortage at that time.

Q. Respecting diphtheria serum when you said you enquired of Dr. ^{REC} ~~Enochi~~ as you knew of no ~~fixxxx~~ special stores, did you mean you went to Enochi to be directed to the best dispensary and the most probably equipped with serum among the several in the Colony?

A. That is right.

Q. Besides the Tai Ah Chow, next to the King's Theatre, ^{REC} Enochi directed you to the New Asiatic Chemical Com. near Kai Tak Airfield in Kowloon and that the Tai Ah Chow sent to one on DesVoeux Road opposite Lane Crawford (P.608 of the Proceedings). You told us that in July or August 1942, in all, you could buy only 230,000 units anti-diphtheria serum. Am I right to assume you obtained the 230,000 units from the three above mentioned dispensaries.

A. That is correct.

Q. Can you tell the Court approximately the proportion acquired from each one of the dispensaries.

Pres. I think the witness has indicated the proportion. On page 608 of the proceedings.

The President reads the extracts ^{REC} ~~referred to~~.

Q. Do you agree that 50% was obtained from Tai Ah Chow and 50% almost from the New Asiatic Chemical Com. and the rest from the other shop.

A. I agree.

Q. Do I understand your enquiries were confined to these three dispensaries.

A. That is correct.

Q. Then is it right to say in Hong Kong you did not investigate any other source of supply.

A. I was introduced to those three shops and told these were the most influential, therefore, did not go anywhere else.

Q. But you knew there were other dispensaries in Hong Kong?

A. I knew.

Q. Do you remember across the street from Tai Ah Chow, a dispensary called the Grand Dispensary?

A. I do not remember clearly that there was such a dispensary.

Q. Did you not look for other dispensaries along the Queen's Road.

A. I had no business with other dispensaries, so I did not look.

At 1.00 hrs. the Court adjourns until 10.0hrs. on Thursday 23rd January 1947.

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NO. 5 WAR CRIMES COURT.

44TH DAY'S PROCEEDINGS of the trial of Col. TOKUNAGA ISAO, Capt. SAITO SHUNKICHI, Lieut. TANAKA HITOSHI, Interpreter TSUTADA ITSUO and Sgt. HARADA JOTARO of the Imperial Japanese Army, held at HONG KONG on the 23rd January, 1947, at Jardine Matheson's East Point Godown.

The Court re-assembled at 2cc

1000 hours - 23rd January, 1947.

3RD WITNESS FOR DEFENCE - Dr. SAITO (ACCUSED).

CROSSEXAMINATION - Major PUDDICOMBE (Contd.)

COURT: Will you remind the Witness that he is still bound by his original affirmation.

Q: So I understand from your answers yesterday SAITO, that you made no enquiries from other than the three Dispensaries referred to before?

As That is correct.

Q: Do you admit then that, to say the least, you showed little initiative in making your enquiries?

A: I did not know the circumstances of the Dispensaries in HONG KONG, therefore, I asked those three Dispensaries many times to try and find the ^{CC}Drug from other sources.

Q: Do you agree that boiling water or steam is effective for sterilisation?

A: It is a very good method.

Q: Then will you tell the Court what you mean when you say that to provide a horse to make ^{see} ~~derum~~ would not have been effective because there was no method for sterilisation in SHAMSHU IPO Camp. That is on page 165 of your evidence.

A: There was no adequate sterilisation equipment at the Camp at that time, therefore, I think that serum could not have been made.

Q: Is it not true that you could have provided boiling water at
~~SEAN SEU 1107~~

A: It could have been done.

Q: Is it not true that you might have had the labour to provide steam at SHAMSHU IPO?

A: There was no equipment to make steam, but there might have been made.

Q: Might have, or could have been made?

A: There was no equipment to make steam, but it might have been possible.

Q: Then you will agree Doctor that it could have been, it was possible to sterilise effectively at SHAMSHUTPO?

As Sterilising what?

Q: Generally speaking it was possible to sterilize at SHANSHU IPO.

A: Generally speaking it could be sterilised by boiled water.

Q: Consequently Dector your answer to the fact that sterilisation is not possible at SHAMSHULPO, is not a fact.

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3RD WITNESS FOR DEFENCE - Dr. SAITO (ACCUSED).

CROSSEXAMINATION - Major PUDDICOMBE (Contd.)

A: Sterilisation by boiled water is not sufficient.

Q: You Doctor refused to provide the means of making serum at SHAMSHUIPO on the grounds that boiling water technique in sterilisation was ~~not~~ effective that the serum could not have been made, is that right?

A: I did not receive any request from the P.O.Ws. to make serum.

Q: Had you received the request, would you have refused on those lines?

A: I would not have refused, but I might have said that it would be impossible.

Q: Even though it was impossible to produce steam in SHAMSHUIPO which you will admit would have been effective as a sterilisation agency?

A: Even by using steam and boiled water the sterilisation would be incomplete.

Q: Water boils, if I remember my Physics correctly, at about 230° fahrenheit, or 100° centigrade.

A: That is correct.

Q: Will you tell me what ^{all} bacteria can live in an atmosphere of 100° or more centigrade?

A: Ordinary germs would die at about 100° centigrade but the spore germ will not die.

Q: And what centigrade is it necessary in order to kill these spore germs?

A: 120° centigrade.

Q: Well Doctor 120° would then according to you have been impossible to achieve in SHAMSHUIPO, even by super-heating your steam?

A: Such a high degree of 120 centigrade could not have been produced at SHAMSHUIPO.

Q: You are now telling the Court that it would be impossible to heat water higher than 100° centigrade, just up a further 20°. That is what you want the Court to believe, that it was impossible to heat water to a greater heat than 100° centigrade, particularly as you have told us that it would have been possible to produce steam.

A: That is correct.

Q: Now you told us that you purchased other drugs such as remedies for dysentery during the period that you were allowed to make local purchases - where did you buy those drugs?

A: At the beginning in CANTON and later on in HONG KONG.

Q: Alright in HONG KONG, where did you purchase your drugs?

A: From three Japanese firms.

Q: And what were those firms?

A: On Ice House Street, there were TAKEDA SHOTEN and also SHIONOGI SHOTEN, and the other firm at present has slipped my memory. I have remembered, FUGISAWA SHOTEN.

Q: Did you buy any drugs from Chinese merchants, Dispensaries?

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3RD WITNESS FOR DEFENCE - Dr. SAITO (ACCUSED).

CROSSEXAMINATION - Major PUDDICOMBE. (Contd).

or Brokers in HONG KONG.

A: If Drugs could not be procured from these Japanese firms, I would ask the Japanese firms to obtain the drugs from other sources.

When CANTON

Q: Why did you go to ~~there~~ to obtain drugs, was it in August, 1942?

A: From April to October, 1942.

Q: I am speaking of when you personally went to CANTON.

A: Every month drugs were bought in CANTON and I went there personally four times myself within the six times that drugs were bought in CANTON.

Q: When?

A: I went to CANTON in April, May, June and July. Somebody else went there in August, September and October.

Q: Was it before, during or after these trips to CANTON that you consulted the three Japanese firms in regard to supplies?

A: In the beginning I went to CANTON because during that time Japanese firms were not yet established. Japanese firms were first established in November.

Q: First established in November, 1942, is that right?

A: Yes that is correct as I remember.

Was

Q: ~~Is it~~ that when you did not consult Japanese firms respecting anti-diphtheria serum, because by that time you were receiving it from TOKYO?

A: That is correct.

Q: It follows from your answer also Doctor that you made no attempt to ~~buy~~ ^{get} ~~medicines~~ for Dysentery until after 1st November, 1942, although you yourself have told us that it was prevalent if not epidemic in Camp in January and February and from then on in 1942, do you agree?

A: From April I went to CANTON and I bought drugs there and drugs bought there were used.

Q: Then in CANTON when you were there what drug companies did you say they were, Japanese or Chinese?

A: From Japanese firms.

and August

Q: And what inquiries did you make in July ~~from~~ ^{and August} these Japanese firms when you were there for anti-diphtheria serum?

A: As I said before, I asked the Japanese firms there about serum and also to see if they could get serum from Chinese sources, and they said that they could not.

Q: So you will have the Court believe that these Japanese firms were unable to obtain anti-diphtheria serum from TOKYO, OSAKA or from Chinese firms, which in HONG KONG there ~~been~~ ^{was} to have had a certain amount?

A: I asked the Japanese firms and also the Chinese firms to obtain serum, but they could not find any. This is the meaning of what I said.

Q: And further than ask them you did nothing, is that right?

A: Besides that as I said I asked the Chief of the Medical Department.

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SRD WITNESS FOR DEFENCE - DR. SATO (ACCUSED).

CROSSEXAMINATION - Major PUDDICOMBE (Contd).

Q: Now Doctor in regard to the disease diphtheria itself, do you agree that throat swabbing is not a cure for the disease, but a prevalent measure only?

A: I agree with that.

Q: Is it not a method of determining who have the disease and who, although not susceptible to it, are carriers of the diphtheria bacillus.

A: It is a method of examination and also a method of determining whether a patient has the disease, or not.

Q: And also whether he is not susceptible to the disease is a carrier of the germ, do you agree?

A: I agree with you.

Q: And do you agree that when diphtheria is suspected and when conditions are favourable for it to become epidemic, it is of paramount importance to discover who the carriers are, so that they may be segregated and, therefore, not infect those who are susceptible?

A: I will agree with you.

Q: Do you then agree that hypothetically speaking had the throats of all the P.O.Ws. at SHAMSHUIPO been swabbed in June, 1942, by the swab examination for bacillus, it would have been possible then to effect segregation in SHAMSHUIPO and likewise if similar examination of all P.O.Ws. had been made in NORTH POINT in August, 1942, there too segregation of the carriers from the susceptible possible patients could have been completed?

A: It could have been done.

Q: Now in another fact, again hypothetically speaking, do you agree that had this been done as you say it could have been, the disease would have been confined to a very small number relevant to the actual number of active ineffective patients, who have contracted the disease?

A: If that was done the diphtheria would most probably would not have spread as it did.

evident

Q: Then do you agree Doctor, that it is self evident that even ~~without~~ without serum there would have been comparatively fewer deaths had this simple precaution been taken?

A: It cannot be said as such.

Q: Please explain that?

A: Although segregation was done, if there was not a sufficient amount of serum, it ~~could~~ be said that the death rate would /cannot not have been high. Throat swabbing is a method of preventing the spreading of the disease, and anti-diphtheria serum is necessary for its treatment.

Q: You misunderstood my question. I am not speaking of death rate, I am speaking of the actual number of deaths. I asked you if you do not agree that it is self evident if you had done that throat swabbing and segregated carriers from those who were susceptible, less people, very considerably fewer people would have contracted the disease and, therefore, very considerably fewer people died from it?

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3RD WITNESS FOR DEFENCE - DR. SAITO (ACCUSED).

CROSSEXAMINATION - MAJOR PUDDICOMBE (Contd).

- ^{Rec} Hypothetically, if that was done, the actual deaths might have been less in number. Q. Now you have told us that you got in touch with your Anti-Epidemic Unit both in July, August and September to make throat swabs, but in fact they made no swabbing, if I remember correctly, until September. Is that correct?
- A: That is correct.
- Q: And this was because they were otherwise occupied in checking a cholera epidemic then prevalent in the Colony?
- A: That is what I heard from the Chief of the Medical Department.
- Q: What further ^{on Rec} inquiries did you make respecting facilities for examining throat swabs in HONG KONG?
- A: I did not know ~~any~~ any other place, except the Army Epidemic Unit.
- Q: Did it occur to you that in the city where there is a University, such as the Hong Kong Bacteriology University, and that particularly in view of the fact that you have studied Bacteriology in your own College, there might have been facilities for making and examining throat swabs?
- A: I did not know there was such a College with such facilities in HONG KONG. The Chief of the Medical Department might have known.
- Q: Then do you want the Court to understand that ~~this~~ a medical student of one years graduation has no more interest in his medicine to make inquiries about a Medical School in the centre to which he has come to occupy as an enemy national?
- A: I did not make any enquiries on that point.
- Q: Did it ever occur to you that the Civilian Government of a Colony of the size of HONG KONG might have had a Bacteriological laboratory?
- A: I did not know anything about the civilian circumstances at the time.
- Q: I gather Doctor also that you took no trouble to make inquiries beyond asking Col. EGUCHI's opinion?
- A: Col. EGUCHI was familiar with circumstances at that time and I thought that if I asked him he could inform me.
- Q: What do you understand by the word 'diphtheroid'?
- A: It is a disease similar to diphtheria. It also forms a ~~of~~ membrane over the tonsil.
- Q: It would be then correct Doctor to say that this definition I have before me is true. *Quoting from a Medical Text Book Rec* 'A disease resembling diphtheria, but not due to Klebs-Löffler's bacillus.'
- A: That is correct.
- Q: ^{maybe on Rec} A micro-morphology closely resembling the diphtheria bacillus in making any form, but not producing toxin - is that correct?
- A: That is correct.
- Q: Do you agree then that when a diphtheroid infection is suspected, it is of the greatest importance to make certain that the bacillus is a stimulant of the Klebs-Löffler's bacillus and not a real thing, for two reasons. First if they are real and not stimulated, the carriers must be segregated from

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3RD WITNESS FOR DEFENCE - DR. SAITO (ACCUSED).

CROSSEXAMINATION - Major PUDDICOMBE (Contd).

the healthy susceptible people. Secondly, if they are stimulated they must not be exposed to the real infection.

A: I think as you do.

Q: Now Vincent's Angina - I have this definition before me.
'There are two organisms closely associated with this disease, namely, a fine spirillum called after Vincent and a fusiform bacillus.'

Do you agree?

A: Yes I agree with you.

Q: Now I quote to you from the work of former Professor of Therapeutics and Clinical Medicine of the University of Edinburgh. Among other things this Author is a Fellow of the Royal Society of Edinburgh; Fellow of the Royal College of Physicians, London; and among other things Doctor, it might be of interest to you in your void opinion of Canadian medicine, is a Professor of Medicine and Director of the Department of Medicine, of the McGill University; Physician-in-Chief of the Royal Victoria Hospital. His name is Jonathan Campbell Meakins, and he is a Brigadier, Deputy Director General of Medical Services, Royal Canadian Army Medical Corps.

Now Dr. Meakins tells in this work (page 89) that, 'Any angina may simulate diphtheria and, therefore, cultural methods should be used if there is the slightest doubt as to the diagnosis.'

Do you consider that that is a good opinion?

A: I agree with you.

Q: Then SAITO when you received word from Major GRIMFORD in August, 1942, in respect to the diagnosis of those patients, who went to BOWEN ROAD, and in which the word diphtheroid was used in connection with the diagnosis of Ludwig's Angina Vincent's angina, is it not possible he was warning you, that the causative change of these two Anginas was similar to the diphtheria bacillus, and secondly that you should make certain.

A: He did not. He said that it was not diphtheria. The Doctor at BOWEN ROAD Hospital also said that it was not diphtheria, but it was ~~THE~~ Ludwig's or Vincent's Angina. At the BOWEN ROAD Hospital there was also a microscope and at that time I think a microscope examination was taken. And as I think because the microscope examination was negative, they named the disease as Ludwig's or Vincent's angina.

Q: Is it true Doctor that you removed that microscope from BOWEN ROAD Hospital?

A: There was a microscope at BOWEN ROAD Hospital.

Q: That is not my question, please answer it?

A: I did not.

Q: And you disagree with Dr. ANDERSON?

A: I do not remember Dr. ANDERSON saying anything like that.

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3RD WITNESS FOR DEFENCE - DR. SAITO (ACCUSED).

CROSSEXAMINATION

- Major PUDDICOMBE (Contd).

- Q: With your extensive knowledge as you have ^{assumed RCL} ensured the Court you have, and with your long experience of two months practical work, is it adequate reason for you to have examined yourself, this diphtheroid infection in order to make sure that it was not diphtheria, particularly as you yourself have told us that in August, 1942, you suspected that it was diphtheria.
- A: Because the patients had diphtheroid, I said at that time I thought I had a suspicion that it was diphtheria.
- Q: Did you make a proper examination of the bacillus?
- A: As I said at the end of August, the examination was carried out and the result was positive, therefore, for the first time the disease was defined as diphtheria at NORTH POINT.
- Q: So did you let this matter rest from the 1st August as I think you said - Dr. Crawford says the 11th August till the 31st August before any examination was made, a difference of twenty days, three times the length of time I think, if I remember correctly, for the period of infection.
- A: No that is not right. As I said before I received the report from Major CRAWFORD and the facts about that after that day. There were two or three patients suspected of Ludwig's Angina or Vincent's Angina and I thought that this was peculiar and at the end of August an examination was carried out.
- Q: And you are replying to my question in the affirmative. You made no examination until the end of August?
- A: That is correct.
- Q: Now Doctor in the pre-trial statement, Exhibit Y(3), you have described the execution of four Canadians which took place at King's Park Football Field at KOW LOON and at which you were present. Will you now look at Exhibit H(4) and tell the Court that the pictures 1 and 2 are pictures of that King's Park Football Field.
(The Accused is shown the pictures).
- A: That is correct.
- Q: Do you remember going there in June, 1946, with Colonel TOKUNAGA, Lt. TANAKA, Interpreter NIDMORI and myself and a number of other British Officers and Other Ranks?
- A: I remember.
- Q: Do you remember that you pointed out to us a place which you indicated as the spot of the execution of these four Canadians?
- A: I remember.
- Q: Now will you look at picture No.3, the last picture on the page. Do you observe a small cross on the horizon about 2" from the left hand border?
- A: There is a square there.
- Q: Do you agree that very close to that point was the spot that you indicated as the ~~execution~~ site of the execution?
- A: By this photograph I cannot quite make out the place where I indicated.
- Q: Well will you agree Doctor that that is the photograph of the western side of the football field?
- A: I agree.

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3RD WITNESS FOR DEFENCE - Dr. SAITO (ACCUSED).

CROSSEXAMINATION - Major PUDDICOMBE (Contd).

Q: And that it was in that vicinity that you pointed out the site of the execution?

A: I agree.

Q: The Court looks at picture.

PROSECUTOR: The accused indicates that there is a square. There is actually a square on the cross.

COURT: You mean a black square on the sky line of the picture you refer to.

PROSECUTOR: Yes. I am not making any point, I simply wanted to confirm my own evidence from the site of that.

Q: Now when you went there on that occasion, I believe it is true to say that the prisoners went in a truck in front of you, do you agree?

A: I agree.

Q: When you arrived at the football field Doctor, the truck had already arrived, had it not?

A: That is correct.

Q: Is it true to say that it took up the position at the upper right hand corner as you entered the football field. (Position is indicated on picture No.1).

A: As I remember it the truck stopped at the lower left side of the picture No.1.

Q: How did you get there yourself?

A: I went there in the Staff car.

Q: Staff car from Ferfar Street?

A: That is correct.

Q: And did you have any difficulty in getting that car?

A: There was an order from the Camp Commandant.

Q: In referring again to Exhibit Y3, the 2nd last para in your statement, is as follows: *Read the relevant extract. Rec*

Rec From 'I am sorry G. was the truth.' Do you remember that? *Rec*

A: I remember.

Q: Does that refer to the statement which has been compiled as W(1) made by you to Capt. COLLISON under 27th April, 1946, in which is said: *Read the relevant extract. Rec*

Rec From 'During the typhoon I was never present at any execution.'

Is that the statement which you referred to when you said you had been telling untruths before?

A: That is correct.

Q: Do you recall that when you made that first statement on the 27th April, 1946, that you made it under a solemn declaration to tell the truth, the whole truth and nothing but the truth?

A: I remember taking an oath.

Q: Do you recall that when you appeared as a witness in the trial of MIIMURA, the Interpreter, that you said that you gave

Rec

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3RD WITNESS FOR DEFENCE - DR. SAITO (ACCUSED).

CROSSEXAMINATION - Major PUDDICOMBE (Contd).

evidence according to your conscience?

A: I remember.

Q: And you repeated that at the beginning of this crossexamination.

A: I remember.

Q: Did you mean in the NIIMORI trial and in this trial that when you made a solemn declaration to tell the truth, the whole truth and nothing but the truth, you were bound only by what your conscience dictated?

A: That is correct.

Q: Then in giving your evidence before this Court under a solemn declaration, have you told the whole truth and nothing but the truth, only if as and when your conscience guided you to do so?

A: I said the whole truth in accordance with my conscience.

Q: And am I to ^{infer} ~~confer~~ that you ^{have told} ~~said~~ the whole truth in this case according to your conscience, in the same respect as you told the whole truth according to your conscience when you made a declaration on the 27th April, 1946?

A: That is not correct. The statement I made on the 27th April hurt my conscience, therefore, I had the statement corrected in July the same year. From that time in the case of NIIMORI and in the case of my trial here, I have told the whole truth in accordance with my conscience.

No further questions.

COURT: Mr. FUJITA, do you wish to re-examine now this witness on any matters which may have arisen out of his crossexamination in connection with Col. TOKUNAGA.

PROSECUTOR: Mr. HASEGAWA must have the final word.
Mr. FUJITA has crossexamined.

COURT: Mr. FUJITA crossexamined only in so far on matters which were produced in Mr. HASEGAWA's examination. In your crossexamination further matters possibly adverse to Col. TOKUNAGA have arisen, therefore, Mr. FUJITA will be allowed to re-examine on those points if he wishes to do so.

RE-EXAMINATION - Mr. FUJITA.

Q: You testified that Col. TOKUNAGA refused the hospitalisation of Col. PRICE or Col. HOME - do you know what disease the patient was suffering from?

A: As I remember he was suffering from Hernia.

Q: Because the hospitalisation was refused, what result did this have on the sickness?

A: As I remember it, Hernia band was used.

COURT: I do not know whether that quite answers your question Mr. FUJITA, did you mean to ask what was the direct effect on the patient of his not going to Hospital?

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3RD WITNESS FOR DEFENCE - DR. SAITO (ACCUSED).

RE-EXAMINATION - Mr. FUJITA (Contd).

Q: Will you explain more fully then?

A: Even if the patient was hospitalised a rupture band would be used and he would have been hospitalised - he would not have been suffering in the same way.

No further questions.

RE-EXAMINATION - Mr. HASEGAWA.

Q: In answer to a question put by the Prosecution Officer, you said that water could not be boiled more than 100° centigrade at SHAMSHUIPO Camp - by that can you explain more fully?

A: To boil water more than 100 centigrade, pressure must be applied and thus a strong boiler and also a strong cover would be necessary. A good metal would also be necessary, and there were no such equipment at the SHAMSHUIPO Camp.

No further questions.

QUESTIONS BY COURT.

Q: Dr. Saito, can you tell the Court what Japanese Medical personnel you had under your charge to assist you in your work in the P.O.Ws. Camp?

A: At the beginning there were six N.C.Os. and ten Medical Orderlies.

Q: And were these N.C.Os. and Orderlies distributed round the various Camps, or were some of them under your direct control at H.Qs.?

A: This Medical Staff was distributed between the H.Qs. and the various Camps.

Q: Now can you tell the Court, if you know, what was approximately the strength in personnel of the Military Anti-Epidemic Unit?

A: I do not remember very clearly, but I will try and explain. There were three Officers including the Commander. As I remember it, there were twenty Other Ranks, i.e. N.C.Os. and Privates.

Q: Now do you remember when the Military Anti-Epidemic Unit sent a party to SHAMSHUIPO Camp to carry out throat swabbing, how many men did they send?

A: Every day about five men came.

Q: And throat swabbing, how many men could be done in an hour - how many swabs could be taken in an hour?

A: According to the hour, I do not remember; but from 300 to 500 swabs were taken per day. I would like to explain.

Q: That is quite sufficient.

It is right isn't it, that the number of P.O.Ws. at NORTH POINT was far smaller than that of SHAMSHUIPO - there were fewer P.O.Ws.?

A: That is correct.

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3RD WITNESS FOR DEFENCE - DR. SAITO (ACCUSED).

QUESTIONS BY COURT.

Q: And does it need any very special skill or medical knowledge to take mucus from a man's throat?

A: It seems very simple, but I think technique is necessary.

Q: Is there any logical reason why you could not have organised a small party from your own Medical Orderlies under yourself, and taken the swabs at NORTH POINT Camp yourself?

A: From a purely logical point, this could have been done.

Q: How do you remember Dr. RODRIGUES giving evidence?

A: I remember.

Q: Now I am going to refer you to something he said in his evidence. This is on page 62 of the proceedings. (Pres. reads the evidence referred to)

From "Q: To your knowledge Doctor \
 patient was moved?"

From A: I think \ final word."

From Q: Why do you \ final word?"

From A: I recall one case \
 patient in his car."

Do you remember that happening?

A: I do not remember clearly.

Q: Do you tell the Court that you never on any occasion came and took away a man once having seen that he was seriously ill and needed an immediate operation?

A: There might have been a case after examining a patient and after reporting the matter to the Camp Commandant, and receiving his permission that I took a patient away, but I don't remember a specific incident.

Q: According to Dr. RODRIGUES's evidence you did not make any reference to the Camp Commandant; having seen the man you decided as a Doctor that he should go to the Hospital at once and you took him away at once without referring to the Camp Commandant. It was late at night, 10 o'clock - probably the Camp Commandant would not be in his Office.

A: I think the meaning of that evidence is that the Camp Commandant had most probably passed down the request to me, and I had already received permission from the Camp Commandant. That is most probably the meaning of that evidence.

Q: Now you have told the Court that you have great difficulty in getting the Military Anti-Epidemic Unit to come and do throat swabs in SHAMSHUIPO, because they always said they were too busy with other matters; yet later on in the report, the moment you diagnosed a case of cholera in one of the Camps, the Military Anti-Epidemic Unit came at once almost and took steel tests and carried out disinfection work. Can you explain why they were so very quick to take action in the case of cholera, and so very slow to take action in the case of diphtheria?

A: I do not know why they took so long a time to come at the time of diphtheria, but the cholera broke out during the time of diphtheria. Part of the Detachment was sent to examine the Cholera.

Q: Now you told the Court that you from about the month of April I think it was 1942, you were operating this local purchase scheme for drugs and you heard Col TOKUNAGA say that you got varied amounts every month to spend, the amount was about 10,000 Yen - now did you spend the full amount of your allotment on Drugs each month?

A: I used the whole amount.

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3RD WITNESS FOR DEFENCE - DR. SAITO (ACCUSED).

QUESTIONS BY COURT.

Q: And would it be right to say that if you had more, you would have easily have spent more money on drugs if you had the money?

A: It could be done.

Q: Did it ever occur to you to suggest to the P.O.Ws. that if they had trust you with extra money, you would be able to buy with their own money extra drugs they wanted?

A: I never thought such a thing.

Q: Now you told the Court what it cost you to buy anti-diphtheria serum in 1942 - can you remember in 1942 what you would have had to pay for emetine?

A: I do not remember.

Q: Or what magnesium sulphate cost?

A: Magnesium sulphate is very cheap. I think one pound can be bought for about 10 yen.

Q: And sulphapiperidine?

A: This was quite expensive. I think/for about 25 tablets it cost about 20 yen.

Q: Now in regard to beri-beri and ^{antimony} are you aware as a Doctor that rice polishings are very valuable source of Vitamin 'B'?

A: It is very good for this disease.

Q: And did you take any steps to try and get rice polishings for the P.O.Ws.?

A: I did not use the method of rice polishings. I used the method of putting yeast in flour.

Q: Isn't it a fact that rice polishings are so cheap and easy to get?

A: I think it is very cheap. I do not know whether the Army had any, or if it was available at that time.

Q: Did you make any attempt to find out if it was available?

A: I did not make any inquiries.

Q: Now can you tell the Court what facilities the P.O.Ws. had for carrying out stool examinations and if they hadn't any facilities, what facilities did you give them?

A: The P.O.Ws. had a microscope and they used a microscope for examinations. If it was necessary I would receive the permission from the Camp Commandant and request such steps be made by the

Q: Military Anti-Epidemic Unit.

Q: Now you told the Court that one of the reasons why there was such a severe spread of diphtheria at SHAMSHUIPO after the Canadian troops went there was because the Canadian troops would go into the segregated area. How did you know that?

A: The segregation ward was fenced off with barbed wire and the Canadians would go inside to visit their friends.

Q: How do you know that?

A: I heard about this from the Camp Commandant.

Q: You also told the Court that there was a P.O.W. acting as a Policeman who was supposed to stop people from doing this, was that right, and therefore if you agree that if he was allowing

do all

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3RD WITNESS FOR DEFENCE - DR. SAITO (ACCUSED).

QUESTIONS BY COURT -

- P.O.W. ^{acc}
troops to enter the segregation area, he was not doing his duty properly - do you agree?
- A: I agree.
- Q: In view of the importance of avoiding the spread of diphtheria, did it occur to you to ask the Camp Commandant who would have seen that the P.O.Ws. would not go into the segregation area?
- A: I did not think about that. I thought that the P.O.Ws. themselves could do such a thing.
- Q: During the epidemic at SHAMSHUIPO Camp, the really bad period which is to say about August, September, and October, how often did you go to SHAMSHUIPO?
- A: I went there at least once a week.
- Q: How you described to the Court how you want to buy serum from various places. Did you mention when you went to buy it, whom you were buying it for, or did you mention you were buying serum for the prisoners?
- A: I bought the serum in the name of the HONG KONG P.O.W. Camp, therefore, they must have known.
- Q: So you told Major PUDDICOMBE I think it was yesterday that you only made enquiries about serum from the very few Dispensaries and that you did not know where other places were from which you could have bought serum. Now do you remember that on one occasion in Court Major ANDERSON ^{acc} testified that he told Cpl. SENO in your presence of the number of places where drugs could be bought and also took the trouble to get a Directory of HONG KONG to make certain that he got the names and places right - do you remember Major ANDERSON giving this ^{acc} evidence?
- A: I remember hearing the evidence.
- Q: Do you agree or not that that actually happened?
- A: I do not remember ~~xxx~~ clearly.
- Q: Now as you were the Officer responsible for ~~the~~ the handling of local purchase scheme, do you not agree that it was your duty to find out as much as possible about places from where your drugs could be bought.
- A: I did not know where such drugs could be obtained, so I asked those three shops to obtain the drugs for me.
- Q: And it never occurred to you I suppose that HONG KONG is not very big, the shopping area is not very big. It never occurred to you to walk round and look for yourself?
- A: I did not think it was necessary for me because I asked the Chief of the Medical Department who was very familiar and he recommended me to some shops.
- Q: ^{of diphtheria acc} As far as you know were there cases except in P.O.W Camps, or were there other cases of diphtheria in HONG KONG during 1942?
- A: When I asked the Chief of the Medical Staff if there were any Civilian cases of diphtheria at that time, he said that there were two cases somewhere.
- Q: ^{to} Were there any cases of your knowledge among the Japanese troops?
- A: There were cases among the Chinese civilians.
- Q: I asked you do you know if there were any cases among Japanese troops?
- A: There were no cases.

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3RD WITNESS FOR DEFENCE - DR. SAITO (ACCUSED).

QUESTIONS BY COURT.

Q: In the course of your study of medicine, did you also study English?

A: In JAPAN, medicine is studied in GERMAN, therefore, I did not study English.

Q: Then before entering your studies on medicine, did you at your school or University study English?

A: I have.

Q: And it is correct to say is it not that there are many text books on medicine which are written in English, therefore, ^{and} only English is of use to you.

A: I think so.

Q: And would it be right to say that you have quite a fair knowledge of the English language?

A: I can read English, but I cannot read it as easily as I can the German language.

Q: And you can understand English quite reasonably well?

A: At present I can understand quite reasonably.

Q: One or two witnesses have mentioned a senior ranking Japanese Medical Officer, who came to the Camp during the diphtheria epidemic; would that be Col. EGUCHI they were referring to?

A: Yes the Officer was Col. EGUCHI.

COURT: I think this will be a convenient point to adjourn.

The Court is adjourned until 12.15 hours.

12.15
A.C.

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No. 5 WAR CRIMES COURT

44th DAY

1400 hrs.

The court re-assemble, pursuant to adjournment, on Jan. 23 1947
Present - same members.

QUESTION BY THE COURT Dr. (Capt.) SAITO.

Pres. Dr. Saito, you have told the court how difficult it was to obtain boats to take the patients across to be hospitalized in Bowen Road Hospital and also you said that at some time when the Indian Military Hospital was closed you came into possession, legitimate, of a quantity of surgical equipment and from the evidence it appears that in Shamshuipo Camp there were a number of medical officers quite capable of carrying on with operations, would it not have saved a lot of trouble to yourself, suffering and lives if you had improved condition of the Shamshuipo Camp and furnished there with equipment instead of taking it to the Bowen Road Hospital which was already well equipped?

A. At the Shamshuipo Camp hospital equipment was complete to treat operations which would soon recover such as appendicitis operations. I helped in making the equipment at the Shamshuipo Camp hospital complete by moving the extra surgical equipment from the Bowen Road Hospital after obtaining permission from the Camp Commandant and consulting with Lt. Col. Bowie, - a complete surgical set was given to Dr. Ashton Rose.

Pre. Why then were often emergency cases moved to the Indian Military Hospital if it could be done in the Shamshuipo Camp?

A. The Indian Military Hospital was very close to the Argyle Street Camp and therefore the patients in the Camp were moved there.

Pres. Is it not better, in your professional opinion, to operate an emergency case on place rather than move him and then take him back?

A. Yes, I think so.

Pres. To make them clearer, were operation cases moved to the Indian Military Hospital from the Shamshuipo Camp as well as from the Argyle Street Officers Camp.

A. Never was there such a case.

Pres. Therefore must it be said that the equipment at the Argyle Street Camp was so bad that they could not operate there but had to send the patients to the Indian Military Hospital.

A. Yes.

Pre. Why did you not improve those conditions in the Argyle Street Camp?

A. I told the Camp Commandant about this and requested if possible to move the equipment from the Bowen Road Hospital to the Argyle Street Camp and the Camp Commandant said there were no extra equipment and that he would try to obtain equipment from the Japanese Military or other sources. But no equipment was made available.

Pre. Do you wish the Court to believe that the matter was entirely within your own responsibility, i.e. moving equipment from one place to another, you could not without the authority of the Camp Commandant.

A. Yes, I was only responsible for keeping of instruments and when those were to be moved I needed first the order or instruction of the Camp Commandant.

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- Pre. Do you also wish the Court to believe that the Camp Commandant who was a very busy man was better informed of the position of surgical stores at the Bowen Road Hospital than you were.
- A. I had reported what sort of instruments were at the Bowen Road Hospital therefore Camp Commandant was informed on those matters just as well as myself.
- Pre. Col. Tokunaga told the Court he wished POWs to be treated with kindness and justice and you have stated throughout you wished to do all in your power for the POWs, is that so? And also you said how difficult and uncooperative was the shipping unit.
- A. Correct.
- Pre. Did you and Col. Tokunaga ever discussed^{all} these matters together and try with the resources at your disposal and with the help of the POW doctors to organize some hospital in Kowloon side either at the Shamshuiipo Camp or at Argyle Street Camp so that you would not have to be dependent on this Shipping Unit?
- A. I had asked many times from the Camp Commandant to move the Bowen Road hospital to the Kowloon side to Shamshuiipo or Argyle Street Camp but the Camp Commandant always answered Bowen Road hospital could not be moved.
- Pre. I am suggesting you could have done more at Shamshuiipo or Argyle Street Camp without moving the Bowen Hospital.
- A. We discussed the matter often.
- Pre. What happened as the result of your discussion.
- A. As I said before some of the equipment at Bowen Road Hospital was moved to the Shamshuiipo Camp to improve facilities there, this was the result of the consultation.
- Pre. You referred to the Shipping Unit, can you tell the Court where it was located, give the name and rank of the officer in charge.
- A. The headquarters of this Shipping Unit was on the Kowloon side on the road from the Star Ferry to the Peninsular Hotel near a hill. At the beginning the Unit was called Konogi Butai and the Commander was a Colonel Konogi, later its name was changed to Omachi Butai and the Commander was Col. Omachi.
- Pre. What sort of boats and how many boats had it at its disposal. I mean the suitable to go forward and backward, I do not mean big boats.
- A. I do not know how many. *across the Straits*
- Pre. How long^{all} would it take to bring a patient from Shamshuiipo Camp to Hong Kong side to the nearest place to take him to Bowen Road Hospital.
- A. As I heard, 45 to 50 minutes from the bamboo pier to the pier on the Hong Kong side.
- Pre. You told the Court that sick men were picked up at the bamboo pier and later in 1944 they were picked up at the Star Ferry Pier for transfer to Bowen Road Hospital. Do you mean they were taken across in 1944 on the Star Ferry.
- A. Patients were not brought over in civilian boats but in boats belonging to the Shipping Unit.
- Pre. You told the Court you noticed sampans and junks when you came across the barbour straits, did it not occur to you that POWs would have paid for the hire of one of them for the transfer of their emergency cases.
- A. Although there were junks and sampans, as a medical officer I could not rent them. Such matters were done by General Affairs section, therefore I do not know.

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- Pre. You mean that on private business you yourself could not have hailed a sampan to get across.
- A. The Governor General's Office ordered strictly the prohibition of the use of such junks and sampans by military personnel.
- Pre. Did you ask General Affairs Section if they had tried to obtain their use for transferring the sick.
- A. I did not think of that at that time. May be General Affairs Section tried it.
- P e. Who ordered the opening of the officers camp at Argyle Street.
- A. I do not know.
- Pre. You told the Court that when the St. Theresa Hospital was closed by order of General Kanbayashi, that high ranking Japanese medical officer, there were then several diptheria patients in that hospital, do you know what happened to these patients?
- A. At that time these were moved to the Shamshuipo Camp and the Camp Commandant ordered an isolation ward to be opened there and the patients placed there. I want to add St. Theresa Hospital was not closed following an order of Kanbayashi but by an order of the Governor General.
- Pre. The witness Mr. Taux gave evidence that during one of these physical testing parades for men on drafts to Japan men were slapped because they did not run or run as instructed, have you anything to say to that?
- A. While I was there I can truly say there were never such cases.
- Pre. You told the Court you slapped Maj. Boxer because he refused to sign a pledge not to escape and because he said he did not believe a Japanese officer would have signed such a pledge, do you think he was right or correct?
- A. In that case the senior officers including Maj. Gen. Maltby had signed the pledge and in that case, if a superior officer gave an order to sign in similar circumstances I think Japanese officer would sign.
- Pre. Was your slapping an act of discipline or of training?
- A. It was training and teaching. I want to explain about this incident. In the Japanese Army when a superior officer teaches or instructs a subordinates, he would always slap the subordinates if necessary. As I heard this slapping principle was a custom in the Japanese Army for the last 70 years. However, this principle of slapping is not stipulated in any books or regulations. Also it is not written in any books or documents that slapping could not be done or could be done. When I entered the Army I received the same kind of training and also when we administer such a slapping we do not feel it is anything bad. When the Camp Commandant said that the POWs should be treated in the same manner as the Japanese Army, I think he meant this although he did not actually say ~~it~~ it.
- Pre. When did the Camp Commandant say this that the POWs were to be treated as in the Japanese Army?
- A. The Commandant was very particular in matters of discipline from the beginning and often said discipline should be kept as in the Japanese Army.
- Pre. The witness Mr. Hopkins told how two elderly Warrant Officer were put on draft and made to run and still sent on draft although they had been unable to accomplish the exercises required from them, both never worked a day and died in Japan shortly after their arrival, do you remember?
- A. I do remember.

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Pre. How, as a conscientious doctor, can you account for passing as fit
A. At that time when I passed POWs as fit, I passed everyone I
thought fit enough to work.

went

Pre. You knew these drafts ~~was~~ to Japan to work.
A. Repeatedly the Camp Commandant explained to me that the working party were sent to Japan to work.

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Pre. Did you hear Mr. Hopkins saying a Japanese medical officer in Japan expressed surprise that the men of that category had been sent to work.

A. I heard.

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Pre. Is it not true that providing a man did not suffering beri-beri, diphtheria etc. and was not so weak ^{as} he could not walk, he would be passed fit by you to go to Japan.

A. As far as I saw no such patients were included in the working parties. I passed only the POW I thought fit.

Pre. You told the Court that no patient was ever sent to the Hospital without the previous consent of the Camp Commandant. Col. Tokunaga states that he was relying on you and it was natural and proper that you should send the patients in emergency cases to the hospital. that you had done so on several occasions, had told him, that he had approved.

A. I heard that.

Pre. Do you still say ~~that~~ you never sent men to the hospital without Col. Tokunaga's consent?

A. As far as I remember I received the Col. Tokunaga's permission first if the Camp Commandant said there were such cases, the Camp Commandant should be asked to state where and when such cases happened.

Pre. You told the Court a draft report you submitted was altered by the Camp Commandant because he wished to conceal the diseases in the Camp, do you remember that?

A. I remember.

Pre. Supposing you had been in the POW Information Bureau and received the report showing the true conditions of health and diseases in the camps as you say your report showed, what would you have thought about the medical officer in charge of the camps?

A. I would have thought about him according to the report.

Pre. What if the report had said there was diptheria and dysentery because of overcrowding and all those other circumstances, you said, you were aware of and further that you had told all this to the Camp Commandant and could not have those conditions put right?

A. I would think that the doctor attached to the POW camp was in a difficult condition, if I were a doctor attached to the POW Information Bureau I would ask the Chief of the Bureau to send an order to the Camp Commandant to improve the situation.

Pre. You told the Court how Col. Eguchi came with you to inspect the camp, can you tell the Court the exact date this happened?

A. As I remember it, a week after the detachment of Anti-Epidemic Unit arrived at camp, i.e. 8th or 9th September.

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Pre. Is it customary in the Japanese Army for medical officers to carry sword in ordinary uniform.

A. It is.

Pre. Does a civilian attached to the Army or as an Army interpreter carry a sword? *Yes, he does.*

A. I do not know about civilians attached to the Army, but as I saw them they wore swords.

[illegible]

Pre. Did you see Niimori, Inoue and Tsutada wearing swords at various times?

A. As far as I saw them they always wore a sword.

Pre. Did they ~~as arm bands~~ also with Japanese characters, possibly.

A. No.

Pre. You told the Court you were present when four Canadians were executed, tell the Court what you saw on that occasion?

A. I think the time was 5 or 6 p.m. As I explained the place in the pictures, the four Canadians were lined up and shot under the command of Lt. Wada. I think they were blindfolded at that time. Also as I saw it their hands were tied behind their back. The rifleman were standing at a place on a higher level than the place where stood the four Canadians. The distance between the place where the riflemen were standing and the place where four Canadian were standing was about 5 meters. I think that Lt. Wada gave the order to fire, the riflemen aimed at the hearts of POWs, immediately after the firing the four POWs fell down, then a short time later I went to the four Canadian to see whether they were dead or not. After I found out that they were dead I reported this to Lt. Wada, he ordered one of the soldiers to have the bodies buried on the spot.

Pre. Was there any other Japanese officer present besides you and Lt. Wada?

A. I forgot to mention a 2nd lieutenant of guard detachment of North Point Camp also was present, I forgot his name.

Pre. How far away from truck you showed on the photograph this morning when they were shot.

A. About 200 meters in direct line from lower to higher level.

Pre. I do not understand 200 meters from truck?

A. Yes correct about 200 meters.

Pre. Do you remember what date of the month.

A. I am sorry, but I cannot remember.

Pre. Do you remember the day of the week?

A. All I can say is that after they had escaped and were recaptured they were taken to the Gendarmerie and two or three days after this they were taken from there and shot.

Pre. When Col. Tokunaga ordered you to attend the execution did he state by whose order the execution was done.

A. I did not hear that.

Pre. You told the Court you were sent to Happy Valley with working on medical ground, by Col. Tokunaga in order to see that the POWs were over-worked, do you remember that?

A. I remember.

Pre. Now this is the first time you went on these working parties, had there been any complaints of overworking and was this why Col. Tokunaga sent you?

A. I do not know whether Col. Tokunaga received such complaints or not but he ordered me to go and see from a medical point of view.

Pre. Why was this work to be done in 70 days?

A. It was stipulated in the Governor General's orders, I do not know why.

Pre. Did you have a car of your own?

A. No never.

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Pre. Two sergeants named Miyama and Moyama have been mentioned in Court by name, were they on your own staff?

A. They were attached to the camps under the Camp Commander, they were not under my command.

Pre. You said you had a medical staff of twenty men.

A. I meant to say that the medical staff under me were not under any direct command, they only communicated with me on medical affairs.

Pre. But on medical affairs they were under your supervision?

A. Concerning work they liaised with but they received orders from the Camp Commander in camp.

Pre. You told the Court no oath was taken in Japan when students are admitted to Medical profession, would you agree nevertheless that a doctor cannot refuse to treat a sickman irrespective of race, nationality and religion, when so required?

A. I think so.

Pre. Were there any other Japanese troops in the vicinity of Bowen Road Hospital besides the guards and Japanese medical staff?

A. There was a naval detachment guards located below the Bowen Road Hospital.

Pre. In what year were they there?

A. From the beginning, as I remember it.

Pre. Any questions, Mr. Fujita?

Defence. No questions, Sir.

Pre. Mr. Hasegawa?

Q. At school did you study medical jurisprudence?

A. I did.

Q. According to this law is it not laid down that if a patient asked a physician for treatment and the physician refused the treatment he would be punished, is it not true?

A. According to that law it is laid down that physician shall not refuse treatment without reason.

Q. Also did you study the Japanese Criminal Law especially about the keeping the secrets?

A. Do you mean the keeping of secret generally or of medical secrets?

Q. I mean the article stipulating about the professions including the medical profession.

A. Yes, I know about the keeping of such medical secrets.

The Prosecutor had no question to ask the witness.

President: Witness may stand down.

The Court adjourned until 1000 hrs. on Friday, 24th January 1947.

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NO. 8 WAR CRIMES COURT.

45TH DAY'S PROCEEDINGS of the trial of Col TOKUNAGA ISAO, Capt SAITO SHUNKICHI, Lieut TANAKA HITOSHI, Interpreter TSUTADA ITSUO and Sgt HARADA JOTARO of the Imperial Japanese Army held at Hong Kong on the 24th January 1947, at Jardine Matheson's East Point Godown.

The Court re-assembled at 1000 hours - 24th January 1947.

COURT: Mr. FUJITA, will you call your next witness.

DEFENCE: I wish to call Lieut TANAKA.

COURT: Mr. HASEGAWA, will you first please recall Capt SAITO.

COURT: Will you remind witness that he is still bound by his original affirmation.

COURT: Capt SAITO, will you tell the Court where your office was?

WITNESS: At FORFAR STREET HQS.

COURT: Did you spend most of your time working in that office or how did you spend your time?

WITNESS: I stayed most of the time at the office.

COURT: Did you ever go away from HONG KONG at any time or were you sick for any lengthy period of time?

WITNESS: I went to Canton on duty and also I was sick for a time.

COURT: When you say you went to Canton on duty, was that on the occasion that you went to Canton to buy drugs?

WITNESS: That is correct.

COURT: And how long were you away in Canton on that occasion?

WITNESS: Usually three days.

COURT: You went to Canton on more than one occasion then?

WITNESS: As I explained before, four times.

COURT: And you were away for three days each time? *Yes, yes.*

WITNESS: That is correct.

COURT: And when were you sick and for how long?

WITNESS: About a week in October or November 1942.

COURT: Can you give the Court the dates on which you went to Canton on duty, the approximate dates?

WITNESS: I do not remember exactly but I went there once each in April, May, June and July of 1942.

COURT: April, May, June and July of 1942 ³ and after the last time that you went in 1942 did you go again?

WITNESS: As I remember it, I did not.

COURT: While you were away in Canton, and during the time that you were sick, what arrangements did you make in your office so that a man could be sent to hospital if someone had taken ill while you were away?

WITNESS: On those occasions the Camp Commandant took care of hospitalization.

COURT: Was that by direct contact from the Camp Commander -- the Commander of the local camps or did you leave one of your N.C.Os in charge?

WITNESS: The Commander in Charge of the Camp would ask the Camp Commandant and receive his permission to have the patient hospitalized.

COURT: Do you remember Sgt/Maj SENO who was a witness for Prosecution in this Court, and for some time was the Japanese N.C.O. in charge of BOWEN ROAD hospital -- do you remember he told the Court that on your visits to BOWEN ROAD you would sometimes

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3RD WITNESS FOR DEFENCE -- Dr. SAITO (ACCUSED)

QUESTIONED BY COURT (Cont).

stay the night at BOWEN ROAD HOSPITAL, is that correct?

WITNESS: Yes, that was a fact.

COURT: That was a fact -- then supposing someone was taken ill suddenly at SHAM SHUI PO or ARGYLL STREET, how could you be contacted?

WITNESS: At the BOWEN ROAD Hospital there was a telephone in the Officer's mess and they could get in touch with me by using the telephone.

COURT: From SHAM SHUI PO?

WITNESS: Yes.

COURT: And from ARGYLL STREET?

WITNESS: Not from ARGYLL STREET directly but from the HQS. which was very near ARGYLL STREET.

COURT: Do you remember any cases, while you were away in Canton or when you were sick when the Camp Commandant permitted a man to be hospitalized without referring to you because you were not available?

WITNESS: Out of the four trips I made to Canton, there was one occasion when a patient was hospitalized at the ST TERESA'S Hospital; I think this was in May.

COURT: Is that the only occasion that you remember?

WITNESS: Out of the four trips I made to Canton, that is the only occasion I remember; while I was sick there was no patient admitted into hospital without reference to me.

COURT: Can you tell the Court -- was there adequate sterilizing apparatus at BOWEN ROAD?

WITNESS: At BOWEN ROAD there was an apparatus to sterilize by using steam.

COURT: So, therefore, when you referred to a certain degree of heat being required to kill certain types of bacteria, such a degree of heat could be obtained by this apparatus at the BOWEN ROAD hospital -- is that correct -- this was your answer in reply to a question put to you yesterday by Major PUDDICOMBE?

WITNESS: The apparatus at BOWEN ROAD for heating steam to kill the germs was run by coal and at that time there was a shortage of coal.

COURT: Mr. FUJITA, do you wish to ask any questions arising out of the questions put by the Court.

DEFENCE: No questions.

COURT: Mr. HASEGAWA, do you wish to ask any questions arising out of the questions put by the Court.

DEFENCE: No questions.

COURT: Major PUDDICOMBE, do you wish to ask any questions arising out of the questions put by the Court?

PROSECUTOR: No questions.

COURT: The witness can stand down -- call Lieut TANAKA.

4TH WITNESS FOR DEFENCE -- Lieut TANAKA HITOSHI (ACCUSED)

EXAMINATION IN CHIEF -- Mr. FUJITA

is duly affirmed
Witness makes a solemn declaration and is questioned by Defence --

Mr. FUJITA:

Q. Give your full name, age and rank?

A. TANAKA HITOSHI; 31 years old, Lieutenant.

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4TH WITNESS FOR DEFENCE -- Lieut TANAKA HITOSHI (ACCUSED)

EXAMINATION IN CHIEF -- Mr. FUJITA. (Cont).

Q. When did you arrive in HONG KONG?

A. I took part in the battle for the occupation of Hong Kong -- I arrived in the New Territories 'Sanoham' (That is the name of the place), on the 8th December 1941. I arrived in KOWLOON on the 13th and landed on the island of Hong Kong on the 19th; after Hong Kong was captured I immediately returned to Canton. On the 31st of January 1942 I received an appointment and arrived in Hong Kong.

Q. What sort of appointment did you receive?

A. The appointment was that I was to be on duty at the Hong Kong POW Camp.

Q. Till when were you on duty at the HONG KONG POW Camp?

A. I was on duty at the Hong Kong POW Camp from 31st January 1942 until 1st April 1945.

Q. After that where were you transferred?

A. To be demobbed in Japan I returned to Canton for repatriation, but my repatriation did not come through and I ended the Army again at Canton.

Q. While you were on duty at the Hong Kong POW Camp what sort of duties did you do?

A. I was in charge of Intelligence; I was Commander in Charge of a camp; and also in charge of the General Affairs Section, and also Adjutant; these were the duties I did.

Q. During what period were you in charge of Intelligence?

A. I was in charge of Intelligence from 31st January 1942 until the 1st of April 1945; during that period I went to Japan twice and to Formosa once and during that time there was an Officer who took my place.

Q. Do you know what was the period when you went to Japan; that is, the period when you were absent from the POW Camp?

A. I remember -- from the 3rd of September 1942 until the 28th October 1942; from the 5th of August 1943 until the 15th August 1943; from the 15th December 1943 until the 2nd February 1944.

Q. What sort of work did the Officer in charge of Intelligence do?

A. In accordance with the order of the Camp Commandant, the Intelligence Officer would make, arrange and keep documents concerning POWs. The sort of documents were making of Monthly Reports; making of Nominal Rolls of the POWs; arrangement of these documents and the keeping of the same; making of daily field reports, making of daily POW Camp Reports; that is all.

COURT:

At this point, Mr. FUJITA, to assist the Court in following this Witness' evidence more clearly will you ask him between what dates was he Commander in Charge of the Camp, and between what dates was he acting as Adjutant?

Q. In what camp were you the Commander in charge of the Camp and what was the period?

A. From 20th January 1943 until April 1944 I was concurrently in charge of the Upper ARGYLL STREET Officer's Camp; when this officer's camp was moved to the Officer's Section at SHAM SHUI PO, I was acting Commander in charge of the Officer's Section at SHAM SHUI PO until 1st April 1945.

Q. You were acting Commander in Charge of the Officer's Section at SHAM SHUI PO, is that what you mean?

A. That is correct.

Q. If you were the Acting Commander in Charge, who was the Official Commander in Charge?

A. The official Commander was Lieut WADA, but during that period he was sick in hospital so I acted in his place.

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4TH WITNESS FOR DEFENCE -- Lieut TANAKA HITOSHI (ACCUSED)

EXAMINATION IN CHIEF -- Mr. FUJITA (Cont).

COURT: Which period is he referring to?

WITNESS: From the end of April 1944 until the 1st of April 1945.

Q. Then, what was the period you were in charge of the General Affairs Section?

A. From February 1944 until 1st April 1945.

Q. By February do you mean the 1st of February?

A. My appointment was from the 1st of February, but I actually returned on the 2nd of February from Japan; therefore, it was actually from the 2nd of February.

Q. What was the period when you acted as an Adjutant?

A. The Officer in charge of the General Affairs Section also acted as Adjutant; therefore, I acted as Adjutant during the period I was in charge of the General Affairs Section.

Q. Was the Officer in Charge of Intelligence in charge of instructing and supervising part of the POW staff?

A. There were three N.C.Os at the Intelligence Section of the POW Camp and the Intelligence Officer's duty was to look after the supervision and instruction of these N.C.Os -- only these three N.C.Os.

Q. Who was in charge of the military discipline of the interpreters?

A. All the interpreters at HQS. were civilians attached to the Army and they were directly under the control of the Camp Commandant.

Q. What sort of duties did the Adjutant do?

A. The Adjutant did the following duties in accordance with an order from the Camp Commandant. Planning of daily orders, and if the Camp Commandant accepted the plans, the duty included the passing on of these orders to the persons concerned. Liaison with the outside; gathering of data of other ranks, that is, N.C.Os and Privates; taking care of miscellaneous documents of the POW Camp; keeping of secret documents; supervision of the Formosan guards at the POW Camp.

Q. Col TOKUNAGA, in his evidence stated that he ordered a group of officers to supervise and instruct the Formosan guards, what relation did the Adjutant's supervision of the guards have with this?

A. The supervision and instruction of the Formosan guards was done in accordance with the Hong Kong POW Camp Guard Regulations; according to this regulation it says the instruction of Formosan guards should be done by qualified instructors and that the Adjutant should supervise this.

COURT: Would you ask Witness who drew up this regulation which he refers to?

WITNESS : This regulation was made by the Governor General's Office -- the Governor General's office recognized the regulation.

COURT: Yes, but who actually drew it up -- who drafted it?

WITNESS : The plan of the regulation was made at the POW Camp, and after necessary alterations it was recognized by the Governor General's office.

Q. Actually, who made the order -- the POW Camp Commandant or the Governor General, that is, who gave the order for that regulation?

A. The Governor General ordered the POW Camp to produce necessary materials to make such a regulation and after the materials were handed to the Governor General's office, the necessary alterations would be made and the regulation would be recognized by the Governor General's Office; therefore, in the end the actual maker of the regulation would be the Governor General.

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4TH WITNESS FOR DEFENCE -- Lieut TANAKA HITOSHI (ACCUSED)

EXAMINATION IN CHIEF -- Mr. FUJITA (Cont).

Q. What sort of duties did the Officer in charge of the General Affairs Section do?

A. As I said before, the Officer in charge of the General Affairs Section was concurrently Adjutant; therefore, the duties of the Officer in charge of the General Affairs Section and Adjutant would be the same.

COURT: Can we have this quite clear -- you have described exactly what the duties of the Adjutant are -- do you mean that the Officer in Charge of the General Affairs Section had no other duties besides those?

WITNESS: The main work of the Officer in charge of the General Affairs Section would be concerning miscellaneous documents of the POW Camp; besides the work which was the duties of the Adjutant, there were no other main duties.

Q. When you were concurrently Intelligence Officer and the Commander in Charge of the Camp where did you carry out your daily work? In what office did you carry out your daily work?

A. In the main part I carried out my daily work at the HQS.

Q. Do you know whether POWs were drafted to Japan as a working party?

A. I do.

Q. Who had the final decision in selecting members of the working parties that were drafted to Japan?

A. The person who had the final decision was the Camp Commandant.

Q. What sort of connection did you have in selecting members for the draft?

A. I had no connection with the selection of members for the drafts; however, when it was necessary I did the nominal roll of the draft made at the Intelligence Section of the POW Camp.

Q. Just now you said that in the main part you did most of your work at the POW HQS. then where was the work concerning the Officer's Section of the ARGYLL STREET Camp done?

A. I was present always at the morning and afternoon roll calls and during that time I did the necessary liaison work; I had thought that in case of emergency they could get in touch with me on such occasions by telephone at the Hqs; to receive and consult about representations from the POWs. I had a conference with the POW representatives once or twice a week. At the time of the conference I would write down the necessary items and report them to the Camp Commandant or to the persons concerned, and I would inform the POWs of the results. Once a week I would inspect the camps so that I would be familiar with the circumstances inside the camps. Generally speaking this was the way I did my daily work.

Q. What sort of Japanese personnel were posted at the Officer's Camp?

A. Besides myself there were one N.C.O. and one interpreter. At the Upper ARGYLL STREET Officer's Camp, the necessary guards were attached from HQS; at the Officer's Section of SHAM SHUI PO, the guards were sent from the POW Camp Guard Unit.

Q. Then at the HQS. there was another guard unit besides the POW Camp Guard Unit?

A. That is not right, at that time at the Hqs. there was a guard unit of 60 members. Of this number about 20 were engaged in guard duty at the Hqs. The remaining 40 took turns on guard duty at the ARGYLL STREET Officer's Camp.

Q. What was the duty of the Commander in charge of the Officer's Camp?

A. The Commander did the following duties in compliance with the order of the Camp Commandant: Passing on all orders and instructions of the Camp Commandant to the POWs and supervising to see if the same were carried out. Receiving all POW representations and passing same on to the Camp Commandant or people concerned; receiving the results and passing on the results to (P.T.O.)

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4TH WITNESS FOR DEFENCE -- Lieut TANAKA HITOSHI (ACCUSED)

EXAMINATION IN CHIEF -- Mr. FUJITA (Cont).

the POWs and to help to see that the representations

DEFENCE: I will ask the question again.

Q. The interpreter seems not to understand the last question so will you make it more clear.

A. Passing on POW representations to the Camp Commandant or persons concerned and passing on the results to the POWs.

Q. What was the next point you said?

A. My duties would be to assist in the above matter.

Q. What authority did the Commander in Charge of the Camp have over the N.C.Os and the interpreter attached to the Camp?

A. The Commander in charge of the Camp did not have any special authority, but he would see to it that himself, the N.C.Os and the interpreter under him would carry out all orders and instructions received from the Camp Commandant.

Q. Did the Commander in charge of the camp have the same authority as a superior over the N.C.Os and interpreters under him as an officer in the same position in the Army?

A. He would.

Q. Who had the power of punishment if the N.C.Os or the interpreters made mistakes?

A. The Camp Commandant.

Q. Were there any medical orderlies attached to the Officer's Camp?

A. During my tenure of duties there there were no medical orderlies attached.

Q. If there was an incident requiring medical knowledge what would the Commander in charge of the Camp do to meet this?

A. He would communicate with the medical officer attached to the POW Camp.

Q. At the Officer's Camp, about how many POWs were accommodated?

A. When I became the Commander in charge of the Camp there were about 550 POWs. In December 1943 this number was reduced by 50 POWs and from then on the number was about 500.

Q. Were all the 550 POWs officers?

A. Of that number about 100 were other ranks, N.C.Os and privates.

Q. What method was used to make liaison between you and the POWs side run smoothly, that is except the conferences?

A. The conference was carried out between the senior POW officers -- there were about 23 senior officers.

Q. You did not seem to understand the meaning of my question, I want to know if there was any plan in force by which the POW side could communicate with you?

A. Self government was allowed to the POWs and the following system was used: the line of command was formed like this; there was a POW Commander, under him were the Hut Commanders and the Officer in charge of the hospital; -- under routine matters there were the following: the liaison officer, the officer in charge of the cook house; officer in charge of rations, officer in charge of sanitation, officer in charge of the canteen, officer in charge of recreation, officer in charge of gardening, officer in charge of poultry, officer in charge of materials; this was the system used, and the Commander concurrently was a liaison officer.

The Court is adjourned for five minutes. 1130 hrs R.C.
The Court reassembles at 1135 hrs R.C.

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4TH WITNESS FOR DEFENCE -- Lieut TANAKA HITOSHI (ACCUSED)

EXAMINATION IN CHIEF -- Mr. FUJITA (Cont).

- Q. What authority had the Commander in Charge of the Officer's Camp over the issuing of rations and daily necessities?
- A. The duty of the Commander in Charge was to see whether the amount set down in the scale was actually issued or not.
- Q. About the rations and daily necessities, was the Commander in Charge of the Camp responsible for the issuing?
- A. He was not; the Intendant Officer was in charge, in accordance with the order of the Camp Commandant.
- Q. Then, what about the drugs and other sanitary material that were used inside of the Camp?
- A. In the same way the medical officer was in charge of medical affairs in accordance with the order of the Camp Commandant.
- Q. In what way was the Commander in charge of the Officer's Camp related with the hospitalization of POWs outside of the Officer's Camp?
- A. Ordinarily, when there is a hospitalization there would be a written or a verbal application from the POW side; this application would be passed on to the Medical Officer and as I remember it the Medical Officer would carry out the application, in consultation with the Camp Commandant.
- Q. After permission was granted to have a patient hospitalized what connection did the Commander in Charge have with the transferring of the patient, that is, transportation?
- A. Ordinarily, in such a case the Camp Commandant would order the General Affairs Section about transportation, but the Commander in Charge of the Camp would not have any special relation with the transportation; in 1944 I was concurrently in charge of General Affairs Section and, therefore, I was in charge of the transportation.
- Q. Then that means this duty was the duty of the Chief of the General Affairs Section, is that correct?
- A. That is correct.
- Q. Did you ever receive a representation about the supplying of rations and drugs from the POW side?
- A. I have.
- Q. As Commander in charge of the camp what steps did you take against the representation?
- A. I will explain by explaining about rations first; About rations, the representation was made in writing. I passed the representation to the Camp Commandant; the Intendant Officer was called and in the presence of myself and the Intendant Officer, the Camp Commandant took steps. The contents of the representation was that the amount of rations was not in accordance with the scale; there were two such representations.
- Q. When were these representations received?
- A. Once in October 1943 and once in August 1944.
- Q. When you and the Intendant Officer were called by the Camp Commandant, what steps did the Camp Commandant take?
- A. The Intendant Officer told the Camp Commandant that most likely the amount could be made up if the Supply Depot was asked and, therefore, he would go and see this Supply Depot. Then the Camp Commandant told me that such were the circumstances and to tell the POW side about this. The other representation was about increasing the general amount of the rations. The result was that the Camp Commandant went himself directly to negotiate about the matter but he could not do anything about it. I reported this result to the POW side. The representation of 1944 was the same as the first one, that is, the amount of ration was not according to the scale, and the Intendant Officer took the same steps

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4TH WITNESS FOR DEFENCE -- Lieut TANAKA HITOSHI (ACCUSED)

EXAMINATION IN CHIEF -- Mr. FUJITA (Cont).

and I reported this to the POW side. The reason why the rations were not according to scale were as follows: At that time rice was supplied in gunny bags of 100 kilos each; because of leakage of the bags the actual amount was about 98 kilos or sometimes 95 kilos. When a large amount was issued to the POWs at one time, because of this, the amount less caused through this leakage would be great. Also, when the Japanese Army received rice from the Commissariat, the Japanese Army would also receive their supply in 100 kilo gunny bags. At that time the Intendant Officer said that he would try to have the rice put into other containers when it was issued. The result was that actually the whole amount could not be made up but most of the amount was made up.

- Q. The representations which you received were representations only concerning rations, is that correct?
- A. Also I received representations about drugs. These representations were not addressed to the Camp Commandant asking him to have drugs issued. I received three such representations; two were addressed to the Red Cross, one was addressed to myself.

Q. Which Red Cross was this?

A. To the Representative of the local Red Cross in Hong Kong.

Q. After you received these representations, as the Commander in Charge of the Camp, what steps did you take?

A. About the representations addressed to the Red Cross Representative, when the representative came to the HQS. I handed the representation to him and twice I received drugs from the representative. The drugs I received were injections.

Q. What sort of representation was the one that was addressed to you and what steps did you take?

A. I was called to the Camp by because the POW side had something personal that they wished to speak to me about. The POW representative said that he wished to treat all the POW patients in the camp and, therefore, he wished to buy drugs outside and he asked me for my help. The POW representative gave me a list of drugs he wished to have bought. I consulted with a dispensary about this and bought some of the drugs. Then I received two lots of drugs from the Red Cross representative, one in the middle of 1943 and once in the beginning of 1944. The time when I bought the drugs for the POWs was sometime in October 1944. Besides these incidents there were no other incidents when the POW side asked for my help to obtain drugs. Besides these instances the POWs did not ask the POW Camp to obtain drugs through me.

COURT: Mr. FUJITA, will you ask the witness with what money did he pay for these drugs and how much did he spend on these drugs and can he remember what drugs he bought?

DEFENCE: Can you answer the question put by the President as interpreted by the interpreter? I mean the drugs that you bought?

WITNESS: I think the amount was close to 3,000 Yen. I handed over the receipts to the POW side; they might know the actual amount, I do not remember the actual amount.

Q. What sort of drugs did you buy?

A. Vitamin preparations; sulpha drugs, laxatives and some injections.

Q. What sort of injections, can you remember?

A. I do not remember clearly.

Q. Do you remember the name of the dispensary?

A. At the ~~TAKEDA~~ Dispensary on Ice House Street on the Hong Kong side.

COURT: From where did the money come which you spent?

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4TH WITNESS FOR DEFENCE -- Lieut TANAKA HITOSHI (ACCUSED)

EXAMINATION IN CHIEF -- Mr. FUJITA (Cont).

WITNESS: The POWs asked me to buy the drugs and I think the money belonged to the POWs.

Q. Did you ever receive any representations about the manner in which the interpreter and the Japanese guards at the Camp treated the POWs?

A. I have.

Q. When did you receive the representation and what sort of representation was it?

A. The representation was about beating of the POWs by the guards.

Q. When did you receive the representation and what steps did you take?

A. As I remember it I received three representations about beatings; the first time was sometime in February or March 1943; the second and third times were in June and July 1943. The contents of the first representation was something as follows: There was a passer by who passed the POW Camp, who seemed to be a relative of one of the POWs in the Camp. This passer-by made signs with a handkerchief to some of the POWs. This was discovered by the guard. The guard hit the POW that was concerned. I received a representation about this beating at the roll-call the next day. Because of this I took the following action: I checked up to find out the name of the guard who had done the beating and the name of the POW that was beaten; I went to the HQS. and reported this matter to the Adjutant who was the supervisor; the Adjutant sent for the guard; the Adjutant strongly reprimanded the guard; and also I reported this matter to Lieut HARA, who was directly in charge of the guards, and also I asked him, that is Lieut HARA, to instruct the guards strongly about beatings. Then I went to the Camp and met the POW representative and the POW that was beaten. I told them about the steps that were taken and received their understanding. Until June and July I did not receive any such representations.

The Court is adjourned until 1400 hours.

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At 1400 hours on 24 January, 1947, the Court re-assembles pursuant to the adjournment; present the same Members as at adjournment.

4TH WITNESS FOR DEFENCE - Lieut. TANAKA HITOSHI. (ACCUSED).

EXAMINATION-IN-CHIEF - Mr. FUJITA (Contd).

Q: Will you explain about the second and third representations you received about the acts which the Guards did?

A: The second time was sometime in June or July. It was during the air raid one of the Guards beat a P.O.W. There was a regulation stipulating that all P.O.Ws. should be confined to their huts during air raids. There were two or three P.O.Ws. outside at the time of the air raid and although they were asked by the Guard to go inside, they did not understand and ~~watched~~ one of the P.O.Ws. was beaten. At that time sometimes the air raid siren could be clearly heard, sometimes it could not. Also at that time because some of the P.O.Ws. did not hear the air raid siren they would stay outside. At that time I told the Adjutant about this and asked ~~him~~ him to improve the conditions. When I told the Adjutant this, he said that although the beating of P.O.Ws. by the Guards is not good, it must be seen that the P.O.Ws. obeyed orders.

Q: Was the siren at that time fixed inside of the Camp, or was it heard from outside?

A: From outside.

Q: Was the siren established by somebody besides the P.O.W. Camp?

A: By somebody outside the P.O.W. Camp.

Q: Then?

A: When the Adjutant told me that I answered the Adjutant by saying that it is very hard for the P.O.Ws. to obey the order, therefore, I would like to have an Interpreter kept at the Camp to tell the P.O.Ws. about the air raid or have a bell established inside of the Camp, so that the P.O.Ws. would know about the air raid. The result was that the Adjutant spoke to the Camp Commandant and permission was received for both methods to be adopted. I think the Adjutant reprimanded the Guard on the evening of the incident. The Guard who did the beating.

About three days later, I think it was, when the same Guard was on duty, the Guard at that time beat the P.O.W. Interpreter saying that he told the Japanese Officers about himself. The next day, I received a representation about this matter. I told the Adjutant that if such a man was attached to the Camp, it would also cause me, the Commander-in-Charge of the Camp, some trouble, and that I would like to have the Guard relieved of his duties from the Camp.

About three days later a conference was held amongst the Officers attached to the P.O.W. Camp H.Qs. At that time various matters were spoken of and I presented this matter at that time. At that time it was laid down that about seventeen Guards should be despatched to the Governor-General's Office. The Guard that was concerned in the beating was included in this Guard Detachment that was despatched to the Governor-General's Office. After that there were no other beatings that were reported to me.

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4TH WITNESS FOR DEFENCE - ~~MR. SAITO~~ ^{LT. TANAKA. 24} (ACCUSED).

EXAMINATION-IN-CHIEF - Mr. FUJITA (Contd.).

- Q: You have been explaining what steps were taken after the beating incident - were any steps taken to prevent beatings before such beatings actually happened?
- A: Steps were taken.
- Q: What sort of steps were taken?
- A: In my position I saw to it that Guards could not go near the P.O.Ws. I also took steps so that if anything happened the matter would be reported to me, or to the Officer-in-Charge of the Guards. I received the permission of the Adjutant, therefore, I instructed the Guards clearly on this matter.
- Q: You said that you saw to it that the Guards could not go near the P.O.Ws.; by that what do you mean, can you explain more fully?
- A: When Guards were on duty to guard the P.O.Ws. they would do their duty from outside the fence. Sometimes these Guards would go inside the fence and talk about ~~the~~ various matters with the P.O.Ws. I had it so that this could not happen.
- COURT: The Witness said "in my position." I take it that he means in his position as Camp Commander.
- A: That is correct.
- Q: In the Officer's Camp was there a case when fifty Other Ranks were drafted to JAPAN?
- A: There was a case.
- Q: Do you remember when this happened?
- A: Sometime before the 10th December, 1943.
- Q: When this draft left the Camp, did you see them off?
- A: I saw them off.
- Q: At that time from the Japanese side were there any other persons besides yourself?
- A: Interpreter NIIMORI, Interpreter MATAYAMA and some Guards.
- Q: Do you remember a Lieut. by the name of MCLEOD?
- A: I heard the name for the first time a few days ago.
when
- Q: Witness PALMER states that this draft was sent off Lt. MCLEOD was beaten by Interpreter NIIMORI - did you hear the evidence?
- A: I heard the evidence.
- Q: Was this a fact or not?
- A: Before this trial started I did not know anything about that. I wish to explain the state of affairs at that time.
- Q: Then will you explain.
- A: I received an order from the Camp Commandant stating that fifty Other Ranks were to be transferred to the SHAMSHUIPO Camp and then I went to the Officer's Camp. I took with me two lorries. The two lorries were at a distance of about twenty metres between. I do not remember for what reason Interpreter NIIMORI came to the Camp, but anyway he came to the Camp.

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Lt. TANAKA 201

4th WITNESS FOR DEFENCE - ~~DR. SAITO~~ (ACCUSED).

EXAMINATION-IN-CHIEF -MR. FUJITA (Contd).

A: Belongings and beds of the fifty other Ranks were to be on the trucks and then the P.O.Ws. got on to the lorries. It was a fact that the Officers gathered around the trucks and were talking to the Other Ranks, as was stated in the evidence of the Witness. At that time I was speaking to the P.O.W. Camp Commander and asked him if he wanted any release for the fifty men. After I finished speaking to the P.O.W. Commander the party left. I do not remember such an incident. I did not hear anything about such an incident from the P.O.Ws. side or from Interpreter NIMORI.

Q: Do you remember a P.O.W. by the name of EGAL?

A: I do, he was a French man. He was the only French man in the Officers Camp. His age was about 55 and he was grey haired and one eye was bad. When I first heard about him, was the time when I received a document from the P.O.W. Information Bureau asking whether he was patriotic to the Vichy Government. Because of this document I was ordered by the Camp Commandant to ask this man whether he was patriotic or not, so I asked him.

Q: Was there any incident between this Captain and yourself?

A: There was not, but I heard of such an incident.

Q: Lt. Col. HOME's statement, Exhibit B(II). He states that this Captain was beaten by a person, Interpreter NUMORA. I think it is a mistake for NIMORI, and as the Commander-in-Charge of the Camp during the beginning of 1944, do you wish to comment on this?

A: Something happened on the 10th August, 1943, and I remember the incident that happened then, but I do not remember any incident happening in 1944. During my tenure as Commander-in-Charge of the Camp, there was no trouble between this man and myself.

Q: You said there was another incident, what sort of incident was this?

A: I heard about this after I returned from FORMOSA. I heard that the Acting Commander-in-Charge of the Camp, Lieut HARA and Interpreter NIMORI went to visit EGAL.

EGAL wrote in a letter that the price of things in HONG KONG was high and because of this there were many difficulties. Because EGAL disobeyed the rules concerning about writing letters, he was beaten.

When I took up my duties as Commander-in-Charge of the Camp, the matter of this incident was passed on to me. I directly questioned Capt. EGAL about this matter and he told me that there was a fact of such an incident happening. I went to the Camp Commandant and told him that if people had no connection with the Camp ~~because~~ caused trouble, it would cause me a lot of inconvenience, so I asked him to have this stopped.

Q: Do you remember a Lieut. by the name of BARNETT?

A: I do.

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4TH WITNESS FOR DEFENCE - Lieut. TANAKA (ACCUSED).

EXAMINATION-IN-CHIEF - Mr. FUJITA (Contd).

- Q: Was there any particular incident to remember that happened between you and Lt. BARNETT?
- A: As I remember it was sometime at the beginning of August, 1944. It was an incident when Lt. BARNETT spoke to the Red Cross Representative on his visit to the Camp.
- Q: Will you explain only the part where you were connected with this incident?
- A: After this incident he was punished by the Camp Commandant. As I was Commander-in-Charge of the Camp, I feel responsible for this incident. So although Lt. BARNETT was punished because of this incident, I asked permission of the Camp Commandant to have the punishment ~~alleviated~~. After receiving six days of punishment he was pardoned.
- Q: You said after six days punishment he was pardoned - what sort of punishment did he receive?
- A: He was confined to the Guard house cell.
- Q: Is that all you wish to say concerning Lt. BARNETT, or is there something else?
- A: There was another incident. This happened about a week later. At 9 or 10 o'clock at night, I had a telephone call from the SHAMSHUIPO Camp at my house. The contents of the telephone call were that the P.O.W. that tried to speak to the Red Cross Representative ~~had~~ tried to escape and that he was recaptured. After receiving this call I passed on the message to the Camp Commandant and awaited his instructions. He immediately ordered me to proceed to the Camp and investigate the situation. After receiving this order from the Camp Commandant, I telephoned again to the SHAMSHUIPO Camp and asked Interpreter KATAYAMA and Sgt. NAGAMATSU to wait for me at the gate of the Camp. Then I called up the P.O.W. H.Qs. and asked for a car to be sent to my quarters immediately. It took the car about twenty minutes to come to my quarters. During that time I received another call from the Camp Commandant. I was asked to have Interpreter NIIMORI come to the telephone. Interpreter NIIMORI told me that he had just received an order to go to the SHAMSHUIPO Camp to investigate the matter. We rode in the same car to the SHAMSHUIPO Camp.
- COURT: Will you make it clear. Did Interpreter NIIMORI come from H.Qs. and join you at your quarters, or was he with you when the Camp Commandant spoke to you over the telephone?
- A: I stayed with Interpreter NIIMORI in the same quarters.
- COURT: Where were these quarters?
- A: At KADOCRIE AVENUE in KOW LOON.

After I arrived at the Camp, I asked about the circumstances of the escape from the Guard, who recaptured the P.O.W. and from the Guard Commander. This Guard Commander was the same Guard that was punished by the Camp Commandant with myself concerning an escape that happened about a month before. Also the explanation of the attempted escape was very doubtful, so I went to the spot where the attempted escape

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4TH WITNESS FOR DEFENCE - Lieut. TANAKA (ACCUSED).

EXAMINATION-IN-CHIEF - Mr. FUJITA (Contd.).

A: took place. The spot was near the wire between the Garden and the Officers' Section. According to the report of the Guard, he said that the P.O.W. attempted to escape by jumping over the fence. The spot was quite dirty and damp. I was then led by the Guard Commander to where Lt. BARNETT was kept. The place was in the Hospital Ward. The Guard Commander pointed to BARNETT ~~instead~~ and said that he was sure that this was the P.O.W. that tried to escape. At that time I was very doubtful. The reason why was that at that time when BARNETT was ~~pardoned~~ from his punishment, I talked with the P.O.W. Commander for a long time. At that time I spoke with the P.O.W. Commander and Lt. BARNETT and there was nothing to show at that time that Lt. BARNETT intended to escape. As I said before, this Guard Commander was punished for an escape incident and also because of this punishment incident the Guard Commander had an ~~apathy~~ ^{antipathy} against the P.O.W. Because I had received a report about this incident, it was necessary for me to investigate, so I carried out the investigation.

First of all I started the investigation through Interpreter KATAYAMA. I asked BARNETT if he stayed in bed. I asked him if he went outside or not. I asked him if he had lent his shoes, foot gear, or his rain coat to some other P.O.W. and he denied everything. Interpreter NIIMORI was standing by at that time and he saw the way the interrogation was being carried out, and he said that that method was too mild and he began to interrogate. After saying a few words he began immediately to slap BARNETT. I think that NIIMORI slapped BARNETT about six or seven times. At that time at the back of ~~my~~ me stood the P.O.W. Representative, Lt. Col. WHITE and ~~Commander~~ Lt. BARNETT. At that time Col. WHITE pushed me in the back with his fore finger and spoke to me with his eyes. I was at ~~that~~ a loss at that time whether I should stop NIIMORI, or let him go on. At that time Lt. BARNETT said that he was an English Officer and, therefore, as such he was not lying. He told this to NIIMORI. When I heard this I came to the conclusion that I must stop the interrogation. I told NIIMORI that "I ~~am~~ now going to return and what will you do?" Then NIIMORI said that he would return also. I then went to Lt. Col. WHITE's Office. I told Lt. Col. WHITE that I would like him to see that there would be no further attempts at escape in the future because last week there was an incident and also there was another incident a month ago. I then returned to the Japanese quarters at SHAMSHUIPO Camp. There NIIMORI was waiting for me. I asked him "In what way are you going to report this matter to the Camp Commandant?" NIIMORI said that he would report in the same manner that I would. I returned to my quarters and reported to the Camp Commandant that I had investigated the matter, but there was insufficient evidence and that I would carry out another investigation later.

Q: Did you carry out another investigation later?

A: I did not because I did not receive any further instructions from the Camp Commandant.

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4TH WITNESS FOR DEFENCE - Lieut. TANAKA (ACCUSED).

EXAMINATION-IN-CHIEF - Mr. FUJITA (Contd).

A: took place. The spot was near the wire between the Garden and the Officers' Section. According to the report of the Guard, he said that the P.O.W. attempted to escape by jumping over the fence. The spot was quite dirty and damp. I was then led by the Guard Commander to where Lt. BARNETT was kept. The place was in the Hospital Ward. The Guard Commander pointed to BARNETT ~~instead~~ and said that he was sure that this was the P.O.W. that tried to escape. At that time I was very doubtful. The reason why was that at the time when BARNETT was ~~pardoned~~ from his punishment, I talked with the P.O.W. Commander for a long time. At that time I spoke with the P.O.W. Commander and Lt. BARNETT and there was nothing to show at that time that Lt. BARNETT intended to escape. As I said before, this Guard Commander was punished for an escape incident and also because of this punishment incident the Guard Commander had an ~~apathy~~ against the P.O.W. Because I had received a report about this incident, it was necessary for me to investigate, so I carried out the investigation.

First of all I started the investigation through Interpreter KATAYAMA. I asked BARNETT if he stayed in bed. I asked him if he went outside or not. I asked him if he had lent his shoes, foot gear, or his rain coat to some other P.O.W. and he denied everything. Interpreter NIIMORI was standing by at that time and he saw the way the interrogation was being carried out, and he said that that method was too mild and he began to interrogate. After saying a few words he began immediately to slap BARNETT. I think that NIIMORI slapped BARNETT about six or seven times. At that time at the back of ~~my~~ me stood the P.O.W. Representative, Lt. Col. WHITE and ~~Interpreter~~ Lt. BARNETT. At that time Col. WHITE pushed me in the back with his fore finger and spoke to me with his eyes. I was at ~~that~~ a loss at that time whether I should stop NIIMORI, or let him go on. At that time Lt. BARNETT said that he was an English Officer and, therefore, as such he was not lying. He told this to NIIMORI. When I heard this I came to the conclusion that I must stop the interrogation. I told NIIMORI that I ~~was~~ now going to return and what will you do? Then NIIMORI said that he would return also. I then went to Lt. Col. WHITE's Office. I told Lt. Col. WHITE that I would like him to see that there would be no further attempts at escape in the future because last week there was an incident and also there was another incident a month ago. I then returned to the Japanese quarters at SHAMSHUIPO Camp. There NIIMORI was waiting for me. I asked him "In what way are you going to report this matter to the Camp Commandant?" NIIMORI said that he would report in the same manner that I would. I returned to my quarters and reported to the Camp Commandant that I had investigated the matter, but there was insufficient evidence and that I would carry out another investigation later.

Q: Did you carry out another investigation later?

A: I did not because I did not receive any further instructions from the Camp Commandant.

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4TH WITNESS FOR DEFENCE - LIEUT. TANAKA (ACCUSED).

EXAMINATION-IN-CHIEF - MR. FUJITA (Contd.)

Q: What relation did Interpreter KATAYAMA and NAGAMATSU have with you concerning personnel status?

A: Both of them were employees of the Officers' Section of the SHAMSHUIPO Camp and they were my subordinates.

Q: What relations did NIIMORI have with you?

A: Interpreter NIIMORI was ordered to investigate the incident by the Camp Commandant and he had no relations with me. If my car was not convenient at that time he might have gone later in a different car.

Q: What relations did NIIMORI have with you concerning the work of the P.O.W. Camp?

A: I was in charge of the intelligence at the P.O.W. Camp and as such in the main part, I took care of documents concerning P.O.Ws.

Q: What I wish to ask is what relations did NIIMORI have concerning matters of position, standing, orders and things like that.

A: NIIMORI was in charge of the interpreters and as such he like myself would handle documents concerning P.O.Ws. In this meaning because we dealt in the same sort of work, we would rely on each other. However, there was no relation in the ~~fight~~ line of command between us.

Q: Awhile ago you said that you were at a loss whether to stop the interrogation or not. Do you mean by that you were at a loss to have the interrogation continued by letting NIIMORI slap BARNETT, is that what you mean?

A: That is not correct. Because NIIMORI came to investigate in accordance with the order of the Camp Commandant I was at a loss whether I should interfere in his method of interrogation, or whether I had the right to stop the interrogation. That is what I mean. Also I was afraid that if NIIMORI reported to the Camp Commandant that I stopped him before he could carry out the adequate interrogation, it would cause some illfeeling.

Q: Could you not at that time recommend to NIIMORI to stop the slapping method and carry out the interrogation by using a more mild method?

A: Under the circumstances at that time this did not cross my mind. I came to the conclusion that it would be best to ~~start~~ stop the interrogation, so I stopped from investigating. As this incident concerned the Camp that I was in charge of, I would have liked to have carried out the investigation myself using the subordinates under me.

Q: Next I will ask you about the sixth charge.

Do you know of the incident that concerns the escape of four Canadians from the NORTH POINT Camp?

A: I do.

Q: When did this incident happen?

A: Sometime in August, 1942.

Q: Do you remember the names of the escapees?

A: I remember them now.

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4TH WITNESS FOR DEFENCE - LT. TANAKA (ACCUSED).

EXAMINATION-IN-CHIEF - MR. FUJITA (Contd).

Q: Do you know whether these prisoner escapees were interrogated by the Japanese side of the P.O.W. Camp?

A: I remember that these escapees were interrogated at H.Qs.

Q: How many days after the attempted escape was the interrogation carried out?

A: I do not know.

Q: Can you not remember the approximate period, i.e. within how many days, weeks or months after the attempted escape?

A: I am sure that the interrogation was carried out in the same month. I saw the interrogation before I went to JAPAN, so I am sure that it happened in the same month.

Q: What connection did you have with the interrogation?

A: I had no connection.

Q: How do you know the fact that an interrogation was carried out between the Intelligence Room and the Interpreter's room?

A: There is a corridor and if you go South along this corridor you will come to the Camp Commandant's room. Before arriving at the Camp Commandant's room there is a mess room and before the mess room there is a sitting room. I saw the P.O.Ws. standing in the sitting room from the corridor between the Intelligence room and the Interpreter's room.

Q: When you saw the P.O.Ws. how many P.O.Ws. did you see?

A: As I remember four P.O.Ws.

Q: How many Japanese did you see?

A: Three.

Q: Do you know who were present from the Japanese side?

A: Capt. KURATA. Beside him stood NIIMORI and on the right side of the P.O.Ws. stood the Camp Commandant. At that time the P.O.Ws. were facing the East.

Q: Look at Exhibit H(4). Can you say whether you remember any pictures?

A: I remember Nos. 4, 6, and 7. If I guess I think No. 5 is part of the P.O.Ws. Camp quarters.

Q: Witness MAK KEE SHING in his affidavit states 4 and 5 were the rooms where the interrogation was carried out - what do you think?

A: There are four places in the HONG KONG building which are the same as shown in this Picture No. 4. If this is the picture of the room, that is on the third floor, on the left hand side it would be the interrogation room.

Q: If No. 4 was the room where the interrogation was carried out, what is the room at the back of the person shown in the picture?

A: It was the room used to make Tea.

Q: The room that you said where you saw the interrogation - facing the picture on what side of the picture would it be?

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4TH WITNESS FOR DEFENCE - LT. TANAKA (ACCUSED).

EXAMINATION-IN-CHIEF - MR. FUJITA (Contd).

A: On the left hand side of the picture No.4, is shown a closed door. In front of that closed door I saw the P.O.Ws. standing.

Q: The place where you stood when you saw the interrogation - facing picture No.4 what side of the picture would it be?

A: Facing this picture it would be twenty five metres to the right.

Q: If you look at picture No.7 facing the entrance, the middle construction of the building is the same on both sides?

A: If from the middle to the right the construction of the building is the same, so I was standing twentyfive metres from the closed door shown in picture No.4.

Q: If you saw the P.O.Ws., in relation to the picture No.4, which way were the P.O.Ws. facing?

A: They were facing the same direction as the person in the picture is facing. (Picture No.4) The direction in which this person ~~was~~ facing in picture No.4 is the eastern direction.

Q: For how long a period did you watch the interrogation?

A: Three to five minutes. At that time I was signalled by hand by Capt. KURATA to stop watching the interrogation, so the Interpreters and Subordinates who were under me went into their respective rooms.

Q: Do you know when the interrogation ended?

A: I do not remember exactly the time, but it was sometime before lunch.

Q: When the P.O.Ws. returned did you see them?

A: I did not.

COURT: Have you any other questions to ask relative to this particular charge Mr. FUJITA?

DEFENCE COUNSEL (Mr. FUJITA) - I have a few more questions on this point, but it will take sometime, so I would like to continue the questioning to-morrow.

The Court is adjourned until 1000 hours on 25th January, 1947.

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NO.5 WAR CRIMES COURT.

46TH DAY'S PROCEEDINGS of the trial of Col TOKUNAGA ISAO, Capt SAITO SHUNKICHI, Lieut TANAKA HITOSHI, Interpreter TSUTADA ITSUO and Stg HARADA JOTARO of the Imperial Japanese Army held at Hong Kong on the 25th January 1947, at Jardine Matheson's East Point Godown.

Rec at
The Court resumed at 1000 hours -- 25th January 1947.

4TH WITNESS FOR DEFENCE -- Lieut TANAKA HITOSHI (ACCUSED).

EXAMINATION IN CHIEF -- Mr. FUJITA (CONT).

COURT: Will you remind the witness that he is still bound by his original affirmation.

Q. Do you know a person by the name of SANEMORI?
A. I do.

Q. When the Canadian POWs were interrogated what was this person in charge of?
A. He was attached to the Hong Kong POW Camp and was the Commander in Charge of the ARGYLL STREET OFFICER'S Camp at that time.

Q. Do you know the Chinese boy by the name of MAK KEE SHING?
A. I do.

Q. Why do you know him?
A. He was used as a mess boy in the Intelligence Room at HQs. from 1942.

Q. Do you remember the evidence that MAK KEE SHING gave in this Court?
A. I remember.

Q. In his evidence he said that you were present at the place where the Canadians were interrogated, do you wish to comment on this?
A. I heard his evidence but as I stated yesterday I saw the interrogation from a place in front of my room and I was not present at the spot of the interrogation.

Q. When you saw the interrogation by whom did you think the interrogation was being carried out?
A. When I saw the interrogation, Capt KURATA was going to each POW and asking questions, so I think that Capt KURATA was carrying out the interrogation.

Q. You testified that you saw Col TOKUNAGA at the spot of the interrogation did you see any incident between him and the POWs?
A. When I saw Col TOKUNAGA he was standing next to the POW at the right and I saw him slap this POW once.

Q. Do you recognise this sketch (Defence hands sketch to witness) -- this is a sketch of the Hong Kong POW CAMP HQ?
A. This is a sketch which I made of the third floor of the Camp HQS -- it is a plan of the place where the interrogation was carried out and I handed this sketch to my Defence Counsel.

DEFENCE: Because I wish to make the circumstances of the interrogation quite clear I wish to hand this sketch to the Court.

COURT: A plan drawn by the witness TANAKA HITOSHI of the third floor of the POW HQS at FORFAR Street is handed to the Court, initialled by the President, marked F(5), and attached to the proceedings.

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4TH WITNESS FOR DEFENCE -- Lieut TANAKA HITOSHI (ACCUSED)

EXAMINATION IN CHIEF -- Mr. FUJITA (Cont).

COURT: I would like the witness, if he can, to indicate on the plan here, which are the three doors which are shown so clearly in photograph No. 4 of Exhibit H(4).

(Exhibit H(4) is handed to witness.

Will Witness indicate to the Court the door where MAK KEE SHING was standing and the door on either side of it.

COURT: Witness indicates the position by a pencil mark. (The sketch is handed back to the Court).
How has the witness marked these various doors -- has he marked them with a circle?

WITNESS: I have marked the place where MAK KEE SHING is standing, the mark made is at the place which is marked as the kitchen in the sketch, and also I have marked the two other doors on both sides of MAK KEE SHING.

COURT: The witness indicates on the plan drawn by him the position of the three doors which appear in photograph No. 4 of Exhibit H(4). These are marked by three circles; the door where the witness MAK KEE SHING stood is the door of the room marked 'kitchen'.

COURT: Do you wish to use this sketch any further, Mr. FUJITA?

DEFENCE: I wish to have the witness indicate where he was during the interrogation.

COURT: Do you mean where the witness was standing when he saw the interrogation?

DEFENCE: That is right.

WITNESS: When I saw the interrogation I stood at the place where I have marked it as 'A'. The position 'A' is from where I saw the interrogation and 'B' is the place where the interrogation took place.

Q. Do you know whether there was an incident in 1943 when the Chinese drivers employed by the POW Camp were arrested?

A. There was.

Q. When did this happen, and in what month?

A. At the beginning of July 1943.

Q. Do you remember the outline of the incident?

A. There was a Chinese named LAI and he bribed two of the Chinese drivers and by doing this he was able to send communications, escape sketches, compasses, etc. to the POWs; the incident was concerning this matter, and also communication was passed by this method from the POWs to the outside. This Chinese named LAI was arrested by the gendarmerie and he told the gendarmes about this matter.

Q. Also, were the Chinese drivers employed by the POW Camp arrested?

A. Because LAI said these things the gendarmes came to the POW HQS and after consulting with the Camp Commandant, the two Chinese drivers were arrested.

Q. Do you remember the names of the Chinese drivers?

A. I do not.

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4TH WITNESS FOR DEFENCE -- Lieut TANAKA HITOSHI (ACCUSED)

EXAMINATION IN CHIEF -- Mr. FUJITA (Cont).

Q. Concerning this incident, were any other persons that were connected with the POW Camp arrested?

A. About a month later two gendarmes came to the POW HQS. When the officers at the POW Camp were having their food, these gendarmes spoke of the matter. The gendarmes said that according to the confession of the two Chinese it had been found out that these sort of documents were being sent into the POW Camp. The gendarmes told the Camp Commandant that they would like to have the two Chinese drivers re-employed so that if messages were passed to the POWs they could arrest the persons concerned on the spot. The Camp Commandant agreed with this and about 3 o'clock the same day some firewood was being brought into the SHAM SHUI PO Camp and the ARGYLL STREET Camp by these Chinese drivers. At that time, under the lorry in the "user place" communication letters were kept. At ARGYLL STREET Officer's Camp, Lieut HADDOCK was caught in the act of taking this communication letter by the gendarme. The gendarme took the POW's number and went to the POW Camp HQS.

Q. The only person arrested concerning this incident was Lieut HADDOCK, is that correct?

A. At the beginning only Lieut HADDOCK was arrested. Later on, from the SHAM SHUI PO Camp, as I saw it, four other POWs were arrested. Later on from the ARGYLL STREET Officer's Camp a POW by the name of PRATA was arrested.

Q. Did the POW Camp ever interrogate the POWs that were arrested?

A. The POW Camp assisted in the interrogation which the gendarmes carried out.

Q. When and where was this interrogation carried out?

A. Soon after Lieut HADDOCK's interrogation was carried out at the Officer's quarters at 167 ARGYLL STREET.

Q. Did you have any connection with this interrogation?

A. I did.

Q. Will you explain the part where you were connected with the interrogation?

A. With Capt YOKOI, who was Adjutant at that time, I was ordered to go to the place of the interrogation.

COURT: By whose order?

WITNESS: I was ordered by Capt YOKOI.

COURT:

WITNESS:

Who gave the order to Capt YOKOI, do you know?
I think the Camp Commandant ordered Capt YOKOI, but I did not hear the order so I cannot be sure. When I arrived at the place of the interrogation with Capt YOKOI, Capt YOKOI ordered me to investigate the personal history of Lieut HADDOCK. Because I was ordered thus, I went to the mess room on the second floor with Lieut HADDOCK. There I investigated his personal history. I spoke to him on various matters and this took about thirty minutes. Then I went below and handed to Capt YOKOI the paper on which I wrote down the personal history. This is the only part in which I was connected with the incident.

Q. What time was the interrogation carried out?

A. 3.30 or 4 o'clock.

Q. You just said that you investigated the personal history of Lieut HADDOCK, did you do the investigation yourself or did you do the interrogation through an interpreter?

A. I did the investigation myself.

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4TH WITNESS FOR DEFENCE — Lieut TANAKA HITOSHI (ACCUSED)

EXAMINATION IN CHIEF — Mr. FUJITA (Cont.)

Q. Did you hear the evidence that witness MATSUDA gave in the Court?

A. I did.

Q. Witness MATSUDA, in his evidence, states that he was ordered by you to Bring Lieut HADDOCK and PRATA, was this a fact or not?

A. While I was at HQS., Capt YOKOI ordered me to have Lieut HADDOCK brought. At that time MATSUDA was standing near me. I asked MATSUDA -- although it would cause him some trouble -- to bring Lieut HADDOCK.

Q. How about PRATA?

A. While I was at the quarters at 167, Capt YOKOI ordered me to call up the POW HQS. for PRATA. Because I was thus ordered I called up the HQS.

Q. At the time when Lieut HADDOCK was interrogated were there any other persons interrogated at the same time?

A. When I came down with Lieut HADDOCK to the first floor there were four other POWs that came from SHAM SHUI PO being interrogated.

Q. After you telephoned for PRATA, what happened to PRATA?

A. Five minutes after PRATA arrived -- without being interrogated he and the other POWs were taken away by the gendarmes.

Q. Did you see where the four POWs that were brought from SHAM SHUI PO were interrogated -- did you see the interrogation or not?

A. I did not see the actual interrogation but when I came down to the first floor I was told that the interrogation had been carried out -- I do not know whether all of the four were interrogated or whether only one was interrogated.

Q. Who was in charge of the interrogation at that time?

A. I do not know what relation Capt YOKOI had with the gendarmes, but I think that the POW Camp assisted the gendarmes in carrying out the interrogation.

Q. Do you know how many gendarmes came to the interrogation?

A. Two gendarmes and two interpreters. These interpreters were attached to the gendarmes.

Q. Do you know what was the highest rank of the gendarmes that were at the interrogation?

A. He was a Sgt.

Q. Do you know the state of affairs concerning the obeying of orders of officers attached to the POW Camp and the gendarmerie?

A. I do not think there was anything that concerned the line of command from a military standpoint between the two. I do not know what sort of orders Capt YOKOI received from the Camp Commandant nor do I know whether he carried out the interrogation on his own responsibility, but I do not think that he was ordered by the gendarmes to assist in the interrogation, I think he cooperated in the carrying out of the interrogation.

Q. Witness MATSUDA, in his evidence, states that Lieut HADDOCK was assaulted by Capt YOKOI, is there anything you wish to comment about this?

A. That is true.

Q. How do you know that this was a fact?

A. When I came down to the first floor with Lieut HADDOCK, a gendarme interrogated him -- I do not know whether Lieut HADDOCK said so or whether the gendarme found out from other sources but they knew that PRATA was connected with this incident. I was in the next room with Capt YOKOI and when the gendarme said that PRATA was connected with the incident, Capt YOKOI brought Lieut HADDOCK to the room where we were sitting. Then Capt YOKOI asked two or three questions to Lieut HADDOCK; then he hit Lieut HADDOCK.

Q. What was the distance between the ARGYLL STREET Officer's Camp and the POW

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4TH WITNESS FOR DEFENCE -- Lieut TANAKA HITOSHI (ACCUSED)

EXAMINATION IN CHIEF -- Mr. FUJITA (Cont)

Camp HQS.?

A. In a direct line about 100 meters; ^{all} by road about 200 meters.

Q. You said it was the duty of the Adjutant to supervise the guards; in what way did you supervise the guards?

A. Do you mean in my case?

Q. That is right.

A. Including the hospital there were three places where camps were situated. Before I became Adjutant there were Guard Detachments despatched to the various camps. When I became Adjutant, because there was difficulty and inconvenience in supervising and instructing the guards -- because they were scattered that way thus -- I received permission from the Camp Commandant and gathered all the guards at one place -- I used the Jubilee Building at SHAM SHUI PO as the Guard Unit Quarters. Until April, Lieut HARA was in direct charge of the instructing and directing of the guards -- with two other N.C.Os.

Q. You said at the end of April? At the end of April of what year?

A. At the end of April 1944.

Q. Continue your explanation?

A. Until that time, when it was necessary, I went to the Guard Unit Quarters and gave spiritual lectures. After that date, amongst the officers attached to the POW Camp, excluding the Intendent Officer and the doctor, because they were Departmental Officers, and I was the only Regular Army Officer, so I took over concurrently the duties of Lieut HARA.

Q. Then, is it true to say that guards were despatched to the other two camps from the SHAM SHUI PO Camp, is that correct?

A. I forgot to say that the BOWEN ROAD Hospital on the Hong Kong side was independent -- to the other POW Camps, every day, the guards were despatched from SHAM SHUI PO.

Q. When the guards were on duty at the various camps, in what way did you supervise and instruct the guards?

A. By the various camps -- there were only the SHAM SHUI PO Camp, the ARGYLL STREET Officer's Camp and the INDIAN CAMP besides. When it was necessary I would go to these camps from HQS or a N.C.O. would go.

Q. Ordinarily, when you were in contact with the POWs, what attitude did you take towards the POWs?

A. In January 1945, when I received my appointment, as Commander in Charge of the ARGYLL STREET OFFICER'S Camp I gathered all the POWs and I explained my wishes to them -- in outlining this there would be the following points: to work together friendly; I am prepared to do my best to make the lives of the POWs happy. I wish to have the POWs cooperate with me in this matter. I carried out my duties in accordance with these principles. The steps and results were as follows: I encouraged the POWs in gardening so that they would receive more food; I made available, from the outside fertilizer seeds and farming implements and gave these to the POWs; the result was very favourable -- at times the produce from the garden was more than the daily rations that were issued to the POWs. Also I encouraged poultry farming. After receiving the permission of the Camp Commandant to buy cheaply chickens and eggs, I went to the New Territories several times. At the time when I became Commander in Charge of the Camp there were only 20 fowls and this increased to over 200. It is not necessary to say that the patients and other POWs who received the eggs were happy. To alleviate the shortage of food for the fowls, I received permission from the Camp Commandant to give the POWs, for this purpose, waste food from the POW Camp HQS. About other articles, I made a large quantity of writing paper, mats, brooms and waste oil available to the POWs. Also I made it a habit to tell the POWs of the results of their petitions; I do not know the real result but when Major General MALTEY left Hong Kong he gave me a letter of gratitude. About rations, as I said before, it was

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4TH WITNESS FOR DEFENCE -- Lieut TANAKA HITOSHI (ACCUSED)

EXAMINATION IN CHIEF -- Mr. FUJITA (Cont).

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very difficult to make up the leakage in the rice that was issued. Also I did my best to make this up and also the POWs who were engaged in any sort of work I tried to have them to be treated as labourers so that they could receive labour rations.

Q. With this I will bring my questioning to a close but if there is anything that you wish to say concerning the matters that were said against you in the evidence before the Court -- will you please do so now.

A. A witness said that the representations of the POWs was altogether disregarded; I wish to comment on this. As I said before, I made it a habit to pass on the results of the representations and petitions of the POWs to them and also the POWs would understand the results. As I think about it now, I think that matters such as this ran very smoothly between the POWs and myself. As evidence, to verify this, I can say that during the end of 1944, there was a case when a POW attempted to escape. I do not know who it was but somebody wrote on a slate-board and explained about this matter and hung the slate board on my office door. On that slate it was written "Watch Hq number escape" -- this was written on a paper attached to the slate. I think this will verify that I was not indifferent to the requests and representations made by the POWs.

The Court is adjourned for five minutes. *LC 113.4*
The Court reassemble *LC 113.5 to 114*

DEFENCE: I have concluded my questions.

COURT: Do you wish to cross-examine, Mr. HASEGAWA?

DEFENCE: I wish to ask two or three questions.

Q. You testified that while you were the Commander in Charge of the ARGYLL STREET Officer's Camp you took roll calls in the morning and in the afternoon, how many POWs did you request to be present at the roll call?

A. The POW side decided this amongst themselves -- the POWs decided who would attend the roll call and who would not, I did not request any fixed number to attend the roll call.

Q. You testified that you received about 3,000 Yen in October 1944 from the POWs and that you were requested to buy drugs with this money because the POWs wanted to cure all the patients in the camp; from that date do you know whether there were any patients there or not?

A. I do not know the result of this because I did not ask.

Q. I am not asking you what the result of the drugs were, I wish to know if there were any more patients after that date at the camp?

A. There were.

Q. As you were Adjutant I think you were familiar with the various regulations of the POW Camp, is that correct?

A. Yes, I know.

Q. I heard that there was a canteen at the ARGYLL STREET Officer's Camp, is that correct?

A. There was.

Q. At that canteen what sort of articles were sold?

A. Daily necessities and food stuffs.

Q. What sort of daily necessities -- what kind of daily necessities?

A. Tobacco, safety razor blades, brushes and soap. There were also some other articles but I cannot remember.

Q. Do you remember whether any drugs were sold at that canteen or not?

A. I do not think there were any.

Q. You mean there were no drugs at all to be sold or do you mean it was

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4TH WITNESS FOR DEFENCE -- Lieut TANAKA HITOSHI (ACCUSED)

CROSS-EXAMINATION -- Mr. HASEGAWA (Cont).

prohibited by the regulation to sell drugs there?

A. In the Canteen Regulation there was no list of the articles that could be sold; therefore, I do not think it was because of a regulation but it was because there were no drugs to be sold at that time.

Q. I do not mean only the Canteen Regulation, was there any other POW Regulation or any instructions or orders from the Camp Commandant prohibiting the sale of drugs?

A. As I remember it, there was nothing like that.

Q. Do you know whether the POWs were permitted to buy drugs from the outside?

A. I think that they were prohibited to buy drugs from the outside.

Q. Yesterday you said that you made arrangements yourself, did you make the arrangements yourself or did you ask the permission of the Camp Commandant or someone else before you made the arrangements.

A. When I said drugs were prohibited; not only drugs but POWs were prohibited to buy anything from the outside. When I bought the drugs, as a result of the talks I had with the POW representatives, I bought the drugs on my own responsibility and I thought, at that time, that if anything happened because I did so, I would take the whole responsibility and blame. There was no regulation saying that I could do this.

DEFENCE: No further questions.

COURT: ^{Do you see} Cross-examination, Major PUDDICOMBE?

CROSS-EXAMINATION -- Major PUDDICOMBE.

Q. (The Prosecutor hands Exhibit F(5) to Witness) -- You were situated at 'A' there (indicating sketch), were you not TANAKA?

A. Yes.

Q. During the time that the Canadian POWs were being interrogated here (indicating sketch) -- is that the only place from which you saw them, as you stood here?

A. Only at this point.

Q. How did you happen to see them, did you hear them coming up the stairs or how is it that you saw them there?

A. At that time, my subordinates and two or three interpreters (I do not remember the names) were standing here (indicating position) and I came out of the room to see what was going on and I saw the interrogation being carried out -- I did not hear the POWs coming.

Q. Do you know how long they had been there when you saw them?

A. I do not remember.

Q. Was NIIMORI in the room when you saw them -- in the sitting room when you saw them?

A. I saw him.

Q. And Col TOKUNAGA you say you saw hit the tall one -- when was that -- when did you see him hit the POW, when you first looked or when KURATA told you to go away?

A. When I first came here (indicates position) I saw that.

Q. You saw TOKUNAGA hit him -- and how long was it between the time you saw Col TOKUNAGA hit the tall POW until KURATA told you to get about your own business?

A. Two or three minutes.

Q. Is that all the time in which you had anything to do with those four Canadians who escaped?

A. That is correct.

Q. Did you ever see them again?

A. I did not.

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4TH WITNESS FOR DEFENCE -- Lieut TANAKA HITOSHI (ACCUSED)

CROSS EXAMINATION -- Major PUDDICOMBE (Cont).

Q. Did you see them dead?

A. When the lorry went to the POW cemetery I saw the lorry.

Q. Did you see the bodies of the POWs inside?

A. The bodies were rolled up in blankets; I could not see how the bodies were but I saw the blankets.

Q. How did ~~you~~ they die?

A. They were executed.

Q. How do you know that?

A. When Lieut WADA and the Commander in Charge of the Guards came to HQS., some guards came with him and I heard this from one of the guards.

Q. Did you hear anything about it before that?

A. That was the only time.

Q. Are you quite sure that you heard nothing about it before that time when WADA and the Commander of the Guards came to see you and they told you that the POWs had been executed -- are you quite sure about that?

A. As I remember it, when I heard from these guards that were attached to the NORTH POINT Camp, this was the first time I heard about the execution.

Q. Do you remember, you and I having a conference at STANLEY FORT some months ago when we went over this occasion?

A. I remember.

Q. Do you remember that I asked you what had become of those men then?

A. By those men do you mean the POWS?

Q. Yes

A. I remember.

Q. And do you remember telling me that they had been shot by WADA and the Commander of the Guards in the KAI TAK area while trying to escape?

A. I remember.

Q. Do you remember that you told me that you had seen the four bodies in the truck as they were brought from KAI TAK Air Port to the POW Cemetery at ARGYLL STREET?

A. At that time I said that a lorry came from the direction of the KAI TAK airfield and went towards the ARGYLL STREET Pow cemetery.

Q. Do you remember telling me that one of the four POWs was taller than the others?

A. I remember.

Q. Do you remember saying that the reason you knew one was taller than the others was not because you had seen them yourself but because you had pictures of them in your Intelligence files and you were able to tell from looking at those photographs?

A. I remember.

Q. You were deceiving me then, were you not?

A. That is not right.

Q. What were you doing, you were not telling the truth?

A. At that time I thought this was the real truth so I told you that.

Q. Now, on the 3rd of April, which was before you saw me, you also made a statement which has been produced in Court, and at this time you said (Prosecutor reads relevant portion of Exhibit T(3)) -- do you recall that?

A. I remember.

Q. You also went into quite a lot of detail at that time -- you told the Examining Officer, Capt COLLISON, no death certificates were issued, Tokyo had been informed etc. (Prosecutor reads relevant part of Exhibit

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4TH WITNESS FOR DEFENCE -- Lieut TANAKA HITOSHI (ACCUSED)

CROSS EXAMINATION -- Major PUDDICOMBE (Cont).

- T(3))?
- A. That is correct.
- Q. And you even went further and said you met Col TOKUNAGA, Lieut WADA, MATSUMOTO and Pte GOTO at HQS. -- you could remember all those details at that time?
- A. That is correct.
- Q. But you could not remember that you saw the four Canadians at FOR FAR STREET with your own eyes and saw your Commander in Chief hit them on the face, is that true?
- A. That is correct.
- Q. Coming down to the second part of your evidence, which you told the Court this morning, will you tell the Court now how is it that you saw the Canadians on those two occasions and how it is that you have come down to this precise statement that you did not see the Canadians at all?
- A. At the time of the Japanese surrender I was in Canton; During the end of August 1945 Lt Gen TANAKA, who was concurrently Governor General and Commander in Chief of the 23rd Army was at HONG KONG and the Camp Commandant came to visit this officer.
- Q. You were at Canton, and Lt Gen TANAKA was at HONG KONG and the Camp Commandant came to Hong Kong to visit TANAKA is that what you are telling us?
- A. I mean to say that Lt Gen TANAKA was concurrently Governor General of Hong Kong and Commander in Chief of the 23rd Army and he was at that time in Canton and the Camp Commandant came to see him,
- Q. Alright, go on?
- A. About this incident, the Camp Commandant reported to Lieut Gen TANAKA at that time and I was also called. At that time Col TOKUNAGA only passed on the information about this matter to the persons concerned in the incident. At that time I did not hear anything, although I knew that the POWs were executed, I did not hear when or where they were executed.
- Q. That is you knew in August 1945 when you were in Canton that they had been executed, is that correct?
- A. That is correct,
- Q. Go on --
- A. At that time in Canton the Camp Commandant reported about the circumstances and about the report he sent to Tokyo and also about the actual facts of the incident.
- Q. Just a minute -- when you were in Canton in August 1945 you knew that they had been executed; in accordance with a statement which you made in the Court in the last few days -- that is that they were shot before a firing squad -- is that correct -- and they were not executed at KAI TAK as you have told us in your other statements?
- A. At that time I only knew that they had been killed but I did not know how.
- Q. At that time ~~you~~ did you know that it was not true that they had been shot to death and bayoneted by MATSUMOTO and WADA at KAITAK,
- A. That is not right.
- Q. Tell me what is right then, what did you know at that time?
- A. Do you mean what I heard at the conference or what I knew before the conference?
- Q. What you heard at the conference?
- A. At that time I heard that four POWs were actually executed at KAI TAK but in the report that was sent to TOKYO it was stated that the POWs were killed while they attempted to escape, this is what I heard at that time.

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4TH WITNESS FOR DEFENCE -- Lieut TANAKA HITOSHI (ACCUSED)

CROSS EXAMINATION -- Major PUDDICOMBE (Cont).

Q. And you also heard, at that time, as a matter of fact, that they had been taken up to KING'S PARK and shot there, didn't you?

A. At that time I did not hear anything like that, when I went to KING'S PARK later on, that was the first time I heard that they were killed there.

Q. The first time you knew that they were killed there -- that was when you went with Col TOKUNAGA, NIIMORI and SAITO in June of 1946, is that what you mean?

A. That is correct.

Q. What do you mean then when you told us ten minutes ago ~~wink~~ that TOKUNAGA, at that conference in CANTON, said what the actual facts were?

A. What I mean by the actual facts is what I said -- before that I heard that the POWs were taken to KAI TAK airfield and shot there.

Q. Will you now say why it was that you did not tell me or Capt COLLISON on the two occasions of which you have spoken that you had not actually seen those men, why did you not tell us that?

A. At that time I did not remember fully about this; after I was taken to KING'S PARK I was told about the incident then when I came back and thought about it for a long time I finally was able to remember the incident. Also, at the time when you interrogated me I told you something about some POW Patients who came from the BOWEN ROAD hospital to the POW HQS., and this incident was mixed with the other incident and I could not remember it very clearly.

Q. TANAKA, do you recall how long that conference was ^{which} ~~when~~ you and I had when I questioned you?

A. Concerning other matters, it took all day.

Q. Yes, and on another occasion I saw you again, didn't I?

A. I met you.

Q. And I suggested the whole story to you, at that time, as it has now been told in Court, isn't that true?

A. You mean what you told me concerned what happened before going to KING'S PARK or after going to KING'S PARK?

Q. I told you too that we had talked to MAK KEE SHING and you told me that you had never heard of him, do you remember that?

A. I did not know the name of MAK KEE SHING -- he was called by the Japanese name 'ICHILO' and later I found out that he was MAK KEE SHING.

Q. And I also told you that MAK KEE SHING -- or whatever his Japanese name is -- had seen you at FOR FAR STREET HQS. when they were being interrogated, do you recall that?

A. I remember.

Q. Are you still trying to tell the Court that with all the suggestions made to you, you could not remember the incident that you told us here this morning, that is, that you saw Col TOKUNAGA at HQS, slap one of the prisoners?

A. After I went to KING'S PARK because I thought it would be of no use to ask anybody else about this incident, I thought about it very deeply and was finally able to remember the incident.

Q. Will you tell the Court now why you could not remember the incident before -- was it because you were trying to protect somebody?

A. That is not correct. -- what I stated about this incident at first I thought that was the whole truth so I did not think about this matter at all any more.

Q. You not only thought it was the whole truth -- you insisted that it was -- was it not, when I questioned you?

A. As I said just now I could not remember the incident, if I had remembered the incident at that time I would have told you.

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4TH WITNESS FOR DEFENCE -- Lieut TANAKA HITOSHI (ACCUSED)

CROSS-EXAMINATION -- Major PUDDICOMBE (Cont).

- Q. I put it to you now that if Dr SAITO had not admitted that these men had been shot and executed you would have forgotten the story completely and would not have admitted that those POWs had been interrogated at FOR FAR STREET and shot?
- A. If I did not go to KING'S PARK at that time may be I would not have recollected about the incident -- as I have said -- when I first heard about the incident I thought it was the whole truth.
- Q. As a matter of fact you realized that once Dr SAITO had told the story it was no longer advisable to forget, didn't you?
- A. I did not have any such ill-will when I was able to recall the incident.

- A. If I did not go to KING'S PARK at that time may be I would not have recollected about the incident -- as I have said -- when I first heard about the incident I thought it was the whole truth.

- Q. As a matter of fact you realized that once Dr SAITO had told the story it was no longer advisable to forget, didn't you?
- A. I did not have any such ill-will when I was able to recall the incident.

- A. I did not have any such ill-will when I was able to recall the incident.

The Court is adjourned until 1000 hours on the 27th January 1947.

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No.5 WAR CRIMES COURT.

47TH DAY'S PROCEEDINGS of the trial of Col. TOKUNAGA ISAO, Capt. SAITO SHUNKICHI, Lieut. TANAKA HITOSHI, Interpreter TSUTADA ITSUO and Sgt. HARADA JOTARO of the Imperial Japanese Army held at Hong Kong on the 27th January, 1947, at Jardine Matheson's East Point Codown.

The Court re-assembles at 1000

1000 hours - 27th January, 1947.

4TH WITNESS FOR DEFENCE - Lieut. TANAKA HITOSHI (Accused).

CROSSEXAMINATION - Major PUDDICOMBE (Contd).

COURT: Will you remind the Witness that he is still bound by his original affirmation.

Q: Now you told the Court that you recall the incident of the 10th December, 1943, in which fifty batmen were drafted to go to JAPAN. You were present when the Officers were saying goodbye to the batmen and so was NIIMORI - you told us that.

A: I was not together with them, but I was within the premises of the Camp.

Q: Now will you tell the Court where the two trucks were when the batmen were lined up, where NIIMORI was, where you were, and where the Camp Commandant was?

A: There was a parade ground within the premises of the Officers' Camp and the two trucks were standing in the centre of the parade ground facing the main gate, twenty metres apart. The batmen were divided into half and they got on to the trucks. I was near the right lorry facing the gate and NIIMORI was near the left lorry. Near that lorry, I spoke with the P.O.W. Representative and if there was an incident at that time, I think it might have happened then.

Q: Now you told us before that you had spoken to the Camp Commander and I understood that you were seconded from your duty. Were you the Camp Commander of Argyle Camp at that time?

A: I was the Commander in charge of the Camp.

Q: And you were talking not to any Japanese Officer, but to a British Officer at the time in question - is that correct?

A: That is correct.

Q: You were asking this P.O.W. Representative if he wanted the release of fifty batmen?

A: That is correct.

Q: You when you were standing by the truck facing the main gate of Argyle were looking down a small hill which ran from the Guard House to Argyle Street Park - that would be at about right angles to Argyle Street, is that right?

A: I wish to explain about the lorries with my hands. In the front here is the main gate and the lorries which were facing the main gate were in this position. (Accused demonstrates with his hands).

you

Q: Where were you standing talking to the P.O.W. Representative you were able to see the other lorry, weren't you?

A: Both the Lorry when I was standing and the other Lorry were surrounded by P.O.W. Officers and I could only see the front end of the other Lorry.

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4TH WITNESS FOR DEFENCE - Lieut. TANAKA HITOSHI (Accused).

CROSSEXAMINATION - Major PUDDICOMBE (Contd).

- Q: Now Mr. PALMER told the Court that NIIMORI chased MCLEOD around the square (Page 264 of the evidence). Capt. GLOVER in his evidence also said that NIIMORI chased MCLEOD around the square, beating him about the head and body. He said this was done in full view of Lt. TANAKA who never attempted to interfere. (Page 257 of the evidence). Both Lt. Col. BAILIE (Page 245) and Lt. Col. MITCHELL (Page 99) saw this incident and describe it in the same way as Mr. PALMER and Capt. GLOVER. You yourself said that if such an incident took place, it must have been while you were speaking to the Camp P.O.W. Representative.
- A: Except at the time when I was talking to the P.O.W. Representative, NIIMORI was always beside me and if this incident happened, it must have happened then, that is the way I imagine it happened.
- Q: Now if this happened as you say - in the manner in which Mr. PALMER, Capt. GLOVER, Col. BAILIE and Col. MITCHELL have described it, you will admit that you must also have seen it, mustn't you?
- A: That is not correct.
- Q: Well then perhaps as in the case of the four Canadians who escaped you remember this incident later in the quietness and peace of your own self, do you agree?
- A: That is not correct.
- Q: Now in regard to BARNETT, I understand that NIIMORI was a Civilian Interpreter. Is it not true to say that a Civilian Interpreter has to obey an Army Officer?
- A: I think that he must obey orders of his Commander. That is to say if he was ordered by the Camp Commander he must obey.
- Q: Yes and if he were ordered by the Camp Commander he would have to obey too; why didn't you order him to stop beating BARNETT?
- A: I did not receive any orders saying that I could command NIIMORI, or that I could take him with me to the interrogation.
- Q: Do you think that Col. TOKUNAGA ordered NIIMORI to beat BARNETT during the course of interrogating him?
- A: I do not know that clearly because I did not hear the order when the Camp Commandant telephoned. All I heard was from NIIMORI was that he would also go to the interrogation, therefore, I did not know the extent of the order he received from the Camp Commandant.
- Q: Do you mean by that that it is quite possible in view of your experience of what was went on in P.O.W. H.Qs., Col. TOKUNAGA did give NIIMORI authority to beat up one of the P.O.Ws.?
- A: I know that NIIMORI would receive orders for interrogation and that NIIMORI would carry out the interrogation himself, but I do not know whether he received authority to beat anybody.
- Q: I am not asking you that. I am asking you if it was probable that TOKUNAGA gave NIIMORI authority to beat P.O.Ws. Now please answer that question.
- A: I think that NIIMORI did not receive authority to do such a thing.
- Q: Then why didn't you stop him from beating BARNETT?
- A: ~~After~~ About a week before after the Red Cross Representative came I talked to the Camp Commandant and had BARNETT's punishment pardoned. At that time I said that I would be careful that no

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4TH WITNESS FOR DEFENCE - Lieut. TANAKA HITOSHI (Accused).

CROSSEXAMINATION - Major PUDDICOMBE (Contd).

A: such incident would happen in the future, therefore, I received permission to have that punishment pardoned. This incident in question happened right soon after this and also NIIMORI received orders to interrogate separately and in the position that I was in at that time, I was at a loss as to what to do. If I were ordered to command NIIMORI in this interrogation I could have prevented him from doing anything.

Q: Now lets put your answer together TANAKA. To begin with you had undertaken to see that BARNETT did not create a further incident. When you were told that BARNETT had attempted to escape and saw NIIMORI beating him, was it not right to continue because you were acting in accordance with your previous word to prevent BARNETT from escaping or otherwise misconducting himself according to your ideas on the matter.

A: That is not correct. At that time I doubted whether BARNETT was implicated in the incident and I was at a loss to know what I would report to the Camp Commandant saying that BARNETT was not implicated and also I did not know what orders NIIMORI received to interrogate. I was at the same time at a loss to know in what method I could stop NIIMORI.

Q: You remember that you told us that you first received orders to investigate this business and later NIIMORI had a phone call and went with you - now do you think that it is probable that Col. TOKUNAGA gave NIIMORI, a Civilian Interpreter, authority to take charge over you an Army Officer in command of the Camp?

A: At that time I did not feel pleasant about the matter, that is to say I was ordered to investigate the matter and later I did not know why the Camp Commandant asked NIIMORI to also investigate the matter.

Q: Do you know Lt. Col. PENFOLD?

A: I do.

Q: Was it while you were Camp Commander at Argyle Street, he was forced to stand to attention for over an hour because of something he wrote in a letter?

A: There never was such an incident.

Q: You are telling the Court that Lt. Col. MITCHELL who told us about that was deceiving the Court was he? (Page 99 of the transcript).

A: That is not the meaning. I knew PENFOLD personally, therefore, I knew there was no such incident and that is why I say there never was such an incident.

Q: What sort of an incident was there then, tell us the correct answer?

A: There was no incident of him being made to stand up.

Q: Who did have to stand up then?

A: While I was Commander-in-Charge of the Camp, there never was such an incident and I have never heard of such an incident.

Q: Just as you had never heard that the Canadians had been executed before?

A: I heard that they were executed.

Q: Yes on the 25th July, 1946, not before it according to you.

A: At that time I heard for the first time that the execution was carried out at KINGS PARK.

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4TH WITNESS FOR DEFENCE - Lieut. TANAKA HITOSHI (Accused).

CROSSEXAMINATION - Major PUDDICOMBE (Contd).

Q: Do you remember the escape of Lt. Comdr. GOODWIN?

A: I remember.

Q: Do you remember calling out Lt. WILCOX, R.A., Lt. CHOWN, N.Y.R., and Lt. THOMSON for questioning?

A: After I took the roll call, I found out that one P.O.W. had escaped, so I immediately went to H.Qs. to report this matter. I did not interrogate these Officers.

Q: I did not ask you that. Please answer my question, it will save time. Did you call them up for interrogation?

A: I did not.

Q: Do you mean to say that you spoke to no Officer on that parade on that day in respect to the escape of GOODWIN?

A: That is not correct.

Q: Then what did you do?

A: I went immediately to his Hut and looked into his personal belongings, then I went immediately to H.Qs.

Q: Do you mean to say that you spoke no word whatsoever to WILCOX, CHOWN and THOMSON?

A: That is correct.

Q: Do you admit that WILCOX, THOMSON and CHOWN were interrogated?

A: From H.Qs. some Interpreters and N.C.Os. went to the Camp. I did not hear whether ~~these~~ these Officers were interrogated.

Q: Well am I to understand that you as Camp Commander had fulfilled your duty by telephoning to H.Qs. and from then on you had nothing to do with the escape whatsoever?

A: At that time I was Adjutant, and as Adjutant I had to get in touch with the Guard Unit to have an investigation into the question and I also was ordered by the Camp Commandant to report the incident to the Governor General's Office, therefore, I did these duties concerning this incident.

Q: Now just a minute, you told us now that you had something to do with investigating the incident?

A: I did not have any connection with the interrogation. By Guard Unit I do not mean Guard Unit attached to the Hong Kong P.O.W. Camp. I mean the Hong Kong Garrison Unit.

Q: You just told us that you ~~under~~ necessitated investigation by telephone to that Guard Unit.

A: I did not say so.

Q: I did not mean it that way. I mean that I was ordered by the Camp Commandant to go to the Garrison Unit to arrange to have a search ~~in~~ carried out for the escapee and also I was ordered by the Camp Commandant to communicate this incident with the Governor General's Office.

At that time the Detachment of the Garrison Unit was posted at various places and I arranged at various places in KOW LOON and with the Garrison Unit to have them on the look out for this escapee. It did not concern anything with the inside of the P.O.W. Camp.

Q: Alright then who made the arrangements to investigate inside the P.O.W. Camp, did you?

A: The Camp Commandant.

Q: And what were the arrangements that he made?

A: The Camp Commandant himself went to the Camp and I think that he ordered the N.C.O. and the Interpreter to carry out the interrogation.

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4TH WITNESS FOR DEFENCE - Lieut. TANAKA HITOSHI (Accused).

CROSSEXAMINATION - Major PUDDICOMBE (Contd).

- Q: Did you see the Camp Commandant at that time?
 A: I saw the Camp Commandant at H.Qs., I did not see him at all at the Camp.
- Q: How did it come that did not see him in the Camp, you were the Camp Commander, weren't you?
 A: As I said before I was Acting as Adjutant, and I went to the Camp H.Qs. and spoke with the Camp Commandant about this incident and I was ordered to do the work at H.Qs. as Adjutant concerning this incident.
- Q: You were going to be held responsible for GOODWIN's escape as Camp Commander, weren't you?
 A: That is correct.
- Q: And you say that you took no part in the investigation of how the escape occurred.
 A: The Camp Commandant did that part.
- Q: Yes you told us that. But why did you not insist on taking part in it yourself when you were going to be held responsible for it?
 A: I was ordered to make arrangements for the search of the escape, therefore, I did that job.
- Q: How was it on this occasion when you told the P.O.Ws. that you ~~had~~ the Guard shot if there was ~~an~~ another escape?
 A: I did not say such a thing.
- Q: Did you ever say such a thing?
 A: I never said such a thing.
- Q: Now Capt. GLOVER says the rice ration was reduced after GOODWIN's escape. How did it come that you allowed this reduction?
 A: I had no authority to increase or decrease rations.
- Q: Did you make any protest when the rations were decreased?
 A: I did.
- Q: Who to?
 A: The decrease in rice was before the escape incident. It was during July and August. From the beginning of July there was a big leakage in the rice that was brought into the Camp.
- Q: I am talking about the punishment for the escape. Now Captain GLOVER said that the rice ration was reduced after that escape. I am asking you if you knew anything about that not about the leakage in ^{the} rice that was brought into the Camp - we have heard enough about that.
 A: I did not hear that. Also I did not hear any protest from the P.O.Ws. about that.
- Q: Captain GLOVER is not telling the truth according to you?
 A: I do not know about that. I did not hear anything about the ration being decreased as a punishment.
- Q: In regard to the seeds, chickens and eggs from the New Territory, is it not true that the P.O.Ws. themselves paid for the seeds, poultry and also for the eggs?
 A: The P.O.Ws. paid for all the chickens. Concerning the seeds, part of the seeds were paid by the P.O.W. Camp, and part by the prisoners. Part of the seeds were sent in by Red Cross. /the

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4TH WITNESS FOR DEFENCE - Lieut. TANAKA HITOSHI (Accused).

CROSSEXAMINATION - Major PUDDICOMBE (Contd).

Q: Were any of them given by or paid for by you?
A: Do you mean personally.

Q: Yes.
A: No.

Q: Now you have been supporting ~~them~~ this incident assuring that you have been particularly good to the P.O.Ws. - please explain that?

A: Do you mean that it was within your power to let them starve to death unless they paid for the proper amount of food?

A: That is not correct. What I meant was that I endeavoured to have this done because it would be best for the P.O.Ws.

Q: What you mean is that one of the P.O.Ws. came and gave you money to buy poultry, eggs and seeds, and you did not refuse to buy them. That is the extent of your kindness, is it?

A: That is not correct. For instance if chicken and eggs were bought in KOW LOON Market they would be very expensive. What I meant is that on several occasions I received permission to take P.O.Ws. with me to the Border to buy fowls, chickens and eggs chiefly.

Q: I see, you did not explain that before. Now you also told us that as an indication of your co-operation with the P.O.Ws. you received a message which was a sign of GOODWIN's escape and a certain number was preparing to escape. This was written on a blackboard in front of your Office.

A: That is not right. When I said that, what I meant to say was the incident concerning Lieut. HIGHLAND. When this Officer was making preparations to escape, somebody wrote on a piece of paper about this and tied it around the piece of slate and threw it into my Office.

Q: And it is your example of co-operation to the P.O.Ws. that you received this representation and acted on it, was that it?

A: As I heard it, it was the duty of the P.O.W. to his country to attempt escape whenever possible and when the P.O.W. informed me about this before hand, I thought it was an example of how the P.O.Ws. co-operated with me.

Q: Now do you suggest by that TANAKA that that was to acquire your help for the escape, or to warn you that the escape was going to take place, so that you could take steps to prevent it?

A: What I thought at that time was that the P.O.W. informed me because they did not wish to put me in a difficult position.

Q: And what did you do? it

A: I met Lieut. HIGHLAND. I told him that I knew that/was the duty of a P.O.W. to attempt escape when possible. I told him that in my position, I could not acknowledge this. I told him that to do some kind of work ~~xxx~~ so that he would forget about the escape and asked him not to try to escape. That is to say he was a Director of an Insurance Co. and he said that he wished to study statistics. Then he shook hands with me and said that he would not try and attempt to escape.

Q: Now in regard to HADDOCK, the time he was arrested. Is it not true that two Chinese drivers were arrested also.

A: Two Chinese drivers of the P.O.W. Camp were arrested about one month before HADDOCK was arrested.

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4TH WITNESS FOR DEFENCE - Lieut. TANAKA HITOSHI (Accused).

CROSSEXAMINATION

- Major PUDDICOMBE (Contd).

- Q: When HADDOCK was arrested he was caught removing a message from underneath a truck from one of these Drivers, is that so?
- A: As I heard it, he was arrested when he was caught taking a message from under the Lorry.
- Q: And was one of the Chinese Drivers driving the Lorry at the time?
- A: That is correct.
- Q: Was he arrested then?
- A: As I said before, these Chinese Drivers were under arrest from a month before. On that day they paid these two drivers for the purpose of driving the Lorry.
- Q: They were under arrest at that time then, is that the answer?
- A: That is correct.
- Q: And were they taken to your house in Argyle Street at the same time, or after, or just before HADDOCK was?
- A: They did not come.
- Q: Were they ever taken to your house, that was the time of the first arrest?
- A: They did not come to my house even once.
- Q: Do you agree that those two Chinese Drivers were executed?
- A: I did not hear anything about that.
- Q: Now you told us that when you came downstairs you saw water on the floor and a pail of water in the living room of your house in Argyle Street, do you recall that?
- A: I remember.
- Q: What was it being used for?
- A: I did not see for what purpose it was used.
- Q: Why did you tell us about it then?
- A: When I came down from upstairs the condition, the state of affairs was like that.
- Q: Water was on the floor and the ^{pail} ~~pail~~ was there. What had the ~~pail~~ been used for, was it for water torture for HADDOCK and PRATA, or had you heard anything that indicated that it was for water torture?
- A: Lt. HADDOCK was with me when I came down and again I interrogated HADDOCK and PRATA for about ten minutes.
- Q: Please answer my question. Was that water used for water torture for PRATA, HADDOCK or anybody else?
- A: There might have been some other interrogation, but I do not think that this water was used to torture HADDOCK and PRATA.
- Q: Was it used for the torture of somebody else then?
- A: I did not see myself actually, therefore, I cannot say for sure, but it might have been used to torture somebody else.
- Q: Do you think it might have been used because you heard people being tortured?
- A: That is not correct.
- Q: Who were the ones that may have been tortured, an Officer of the R.A.F.?
- A: The meaning of what I said is that I saw water on the carpet, so I guessed that it was used for torture.

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4TH WITNESS FOR DEFENCE - Lieut. TANAKA HITOSHI (Accused).

CROSSEXAMINATION - Major PUDDICOMBE (Contd).

Q: You told us that it was not HADDOCK and PRATA, but it might have been somebody else; as it was your quarters who else might it have been?

A: At the time of the interrogation beside HADDOCK and PRATA four P.O.Ws. were brought from SHAMSHUIPO.

Q: Who were they?

A: As I heard it later Capt. FORD, Capt. GREY, Sgt. HARDY and also another Sgt. whose name I do not remember.

Q: Sgt. ROUTLEDGE was it not?

A: I think that was he.

Q: Capt. FORD and GREY were brought from the Officer's Camp in SHAMSHUIPO.

A: At that time there was no Officers' Section at SHAMSHUIPO.

Q: In July 1943 there was no Officers' Section in SHAMSHUIPO.

A: The incident I am speaking about now happened in 1943.

Q: Yes in July, 1943. Well, were the Officers brought from the Argyle Street Officers' Camp?

A: As I said before only HADDOCK and PRATA were brought from the Argyle Street Camp.

Q: You told us that Capt. YOKOI, if I remember correctly, beat HADDOCK with a slipper?

A: I remember.

Q: This was in your presence?

A: That is correct.

Q: What did you do to prevent it?

A: At that time Capt. YOKOI was under the wrong impression of that he thought that HADDOCK did not take the message. When he hit HADDOCK I told Capt. YOKOI that HADDOCK took the message. However, of what I told him Capt. YOKOI continued his beating.

Q: So what did you do then to help HADDOCK was to tell the man who was beating him that he actually was committing the fault that he was investigating, is that your answer?

A: Yes that is correct. Capt. YOKOI was under the wrong impression that HADDOCK did not say that he ~~hadn't~~ took the message, so Capt. YOKOI was beating HADDOCK, so I told Capt. YOKOI that HADDOCK said that he took the message.

Q: Do you remember W/O NAGAMOTO?

A: There was nobody by the name of NAGAMOTO at the P.O.W. Camp.

Q: You say that there was no W/O in charge of the Guard by the name of NAGAMOTO in June, 1945, at the Officers' Camp at SHAMSHUIPO?

A: I left Hong Kong at the beginning of April, 1945. I do not know such a man.

The Court is adjourned for five minutes. C 1136 Ls RCL

The Court reassembles. C 1135 Ls RCL

RE-EXAMINATION - Mr. FUJITA declined.

~~EXHIBIT~~

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4TH WITNESS FOR DEFENCE - Lieut. TANAKA HITOSHI (Accused).

QUESTIONS BY COURT.

Q: When you went to conduct this interrogation of Lt. BARNETT you have told the Court that he was in a ward in the Camp Hospital, is that correct?

A: That is correct.

Q: And did you know at the time that he was in Hospital because he was sick after his punishment for calling out to Mr. ZINDOEL? *rec*

A: As I heard it later BARNETT was in Hospital because he had a light case of diarrhoea.

Q: And you did not know or did you know that in addition to being confined in a cell in the Camp Guard room, he had also been very badly beaten up by someone?

A: I did not hear anything about that.

Q: Now when you went to conduct this examination, did you examine BARNETT's feet or his shoes, or his ~~great~~ coat yourself? *rain rec*

A: I did.

Q: And what was their condition?

A: The shoes were in ordinary condition, but the rain coat was very wet.

Q: And his shoes were the ~~shoes that were~~ dry? *rec*

A: That is correct.

Q: And in what state were his feet?

A: On his feet actually there was no dirt, but on the bed there was a lot of dirt.

Q: Dirt on the bed?

A: Yes.

Q: Now you referred to the fence by which he was seen by this Guard, how high was the fence? *rec*

A: The fence was made up of two rolls wire and the height was about $1\frac{1}{2}$ metres.

Q: And about how broad?

A: The width was about five feet.

Q: And $1\frac{1}{2}$ metres high is that right?

A: That is correct.

Q: And supposing that Lt. BARNETT ~~had managed to~~ had managed to jump over this fence, where would he have found himself, would he have been outside the Camp?

A: On the other side of this there was a wide garden and on the top of the garden there was an ordinary electrified barb wire fence.

Q: Now you told the Court that you did not like to interfere with NIIMORI beating BARNETT because it was not in your line of command, I think you said. Now supposing you had seen NIIMORI doing something which you knew to be wrong in contrary to discipline, or contrary to some regulation, wouldn't you stop him?

A: If he did something wrong I would speak to him about it.

Q: Wouldn't you give him an order to stop doing it?

A: If I was in command of him I could. *rec*

Q: Do you mean to tell the Court that you as a Japanese ~~competent~~ *combatant*

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4TH WITNESS FOR DEFENCE - Lieut. TANAKA HITOSHI (Accused).

QUESTIONS BY COURT.

- Q: Officer cannot give any order, a proper legitimate Military order to NIIMORI who was merely a Civilian attached to the Army and he would not obey it?
- A: NIIMORI was an Interpreter with an Officers Rank. As Officers I could speak to him, but I could not give him an order.
- Q: Isn't it a fact that as a Civilian attached to the Army in a certain position, ~~he~~ he had an honorary position of an Officer so far as quarters, leave and so on, but he had no execution authority but could be given orders by any competent Officer, is that the case?
- A: I could instruct him.
- Q: Now did you hear Capt. SAITO's evidence when he said that it was quite customary for Japanese Officers in giving instructions and whatever is necessary to slap their subordinates. It was traditional in the Japanese Army and had been so for many years.
- A: I heard the evidence.
- Q: Now you told the Court that you had no disciplinary powers over the Guards, but it was part of your duty to train them and instruct them, but it never occurred to you that if these Guards ~~were~~ ^{needed} instructing ~~they would use a little judicious~~ training by the fist.
- A: When it was necessary I did.
- Q: Now you told the Court that you understood that NIIMORI had possibly received orders from TANAKA to conduct the interrogation of Lt. BARNETT. If that was so, why did you start interrogating Lt. BARNETT on your own, first before NIIMORI?
- A: If you thought at that time that NIIMORI was conducting the examination, why didn't you leave him to do it instead of starting to interrogate BARNETT yourself?
- A: I did the interrogation in the position in which I was ordered to do so.
- Q: You were afraid of NIIMORI were you, by any chance?
- A: I was not afraid of him, but because of his special position I kept at a reasonable distance from him.
- Q: Was it that you were afraid that if you interfered with him you would get into trouble with the Camp Commandant, so that is why perhaps you did not interfere?
- A: Yes at that time it was in that sense.
- Q: Or was it perhaps that to see beating or striking in the course of an interrogation was so ordinary to you that it did not occur to you to interfere?
- A: No I mean that I feared that if NIIMORI reported to the Camp Commandant that I had stopped his interrogation, there would have been some trouble.
- Q: You also told the Court that Capt. YOKOI struck Lt. HADDOCK because he was under the mistaken impression that Lt. HADDOCK had been admitted that he had taken the letter from underneath the Lorry - Do you mean the Court to understand that Lt. YOKOI was beating Lt. HADDOCK because he had confessed, or in the hopes that he would confess?
- A: The purpose of Capt. YOKOI's beating was to find out who else Lt. HADDOCK was connected with.

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4TH WITNESS FOR DEFENCE - Lieut. TANAKA HITOSHI (Accused).

QUESTIONS BY COURT.

Q: Now with regard to the after escape of Lt. GOODWIN it is stated in evidence that : (Page 257). *Reads All*

Recd From "Lt. TANAKA was on parade that morning
Recd were also brought up for interrogation."

Now how was it that these people named here were brought up for interrogation. Who gave their names to NIDMORI or to any of the other Japanese conducting the investigation?

A: There was a file of the personal history of the P.O.W. in Camp and on this file it was written who the P.O.W. was most friendly with and I think that they got these names from the files.

De Recd
 Q: ~~Now~~ You tell the Court that you never gave the names of Lt. WILLCOX, ~~CHOW~~ and Lt. CHOWN as being the people who slept on either side of GOODWIN to whom ever was conducting the investigation, or the Camp Commandant, Lt. COL ~~TOKUNAGA~~ *Recd*

A: I did not meet the Interrogators at that time, therefore, I did not give any names.

Q: Now you told us that the Witness, GLOVER has stated that after the escape of Lt. GOODWIN the rations of the Camp were out for some considerable time. Do you agree that assuming the rations were out, that you must have known about it because you told the Court that it was part of your duties as Camp Commander to see that the rations issued by the ~~Issuing~~ *Issuing* Officer from H.Qs. were properly issued in your Camp, and therefore you must have noticed if there had been any increase or decrease in rations. Will you agree with that?

A: If that was the case I would have known. Every month I would receive the monthly list of rations from the P.O.W. and if that were the case I would have known.

Q: Now can you tell the Court is it part of your training as an Officer of the Japanese Army to consider death preferable to be taken prisoner?

A: While I was in the Army I received that training.

As Recd
 Q: And therefore ~~is~~ part of your training, a man who allows himself to be taken prisoner is a disgraced person, would that be part of your training also?

A: I n that way I was taught.

Q: And, therefore, can you tell the Court honestly on your solemn affirmation that you did not for this reason despise the P.O.Ws. in your charge because they had allowed themselves to be taken P.O.Ws.

A: I did not despise them. I took part in the battle of Hong Kong and experienced their determined resistance and because of this I did not despise them.

Q: To return to the incident of Lt. BARNETT, who told you that NIDMORI had orders from Col. TOKUNAGA to interrogate BARNETT?

A: Interpreter NIDMORI himself told me this. Also NIDMORI was called to the telephone by the Camp Commandant and I saw this.

Q: Now you told the Court that you went to CANTON in August, 1945, and that you saw Col. TOKUNAGA there and there was some talk about this shooting of these four Canadians, can you tell the Court what did Col. TOKUNAGA say to General TANAKA?

A: I heard the Camp Commandant say at that time that the real facts of the killing were that the P.O.Ws. were taken to the KAI TAK Air field and killed by the employees of the P.O.W. Staff. He also said ~~that~~ *Recd* "I do not think that the P.O.Ws. know about the real facts and ~~that~~ *Recd* I wished to report about this matter in the manner as reported to TOKYO." Then he showed

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4TH WITNESS FOR DEFENCE - Lieut. TANAKA HITOSHI (Accused).

QUESTIONS BY COURT.

A: those documents that were produced in Court to Lt/Gen TANAKA.

Q: When he said that they were taken to KAI TAK air field and killed there, did he say from where he had taken them and in what manner they had been killed?

A: After the conference on the way back I heard from the Camp Commandant that the P.O.s. were caught by a Garrison watch party after their boat had capsized and then they were taken to KAI TAK air field.

Q: Did he say how they were killed?

A: He did not tell me how they were killed, but at that time of the incident Private GOTO told me something about the incident and from that and from what the Camp Commandant told me, I guessed that they were killed by bayonetting.

Q: What did GOTO tell you?

A: I do not remember whether it was the same day when the P.O.s. were brought to H.Q.s., but GOTO came with Lieut. WADA and 2nd Lieut. MATSUMOTO. At the time when Lieut. WADA and the Commander of the Guards went into the room to talk with the Camp Commandant, GOTO was standing near the stairs. He said that ~~they~~ and ~~the~~ had been finished. Then he showed with his hand by doing this.
(Witness explains that the man GOTO made a gesture as if pointing with a bayonet and striking with a sword).

The Court is adjourned until 1400 hours.

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The Court resumed at 1400 hours.

27th January 1947.

4TH WITNESS FOR DEFENCE -- Lieut TANAKA HITOSHI (ACCUSED)

QUESTIONS BY COURT.

- Q. Lieut TANAKA you have told the Court how Col TOKUNAGA made a report as to the death of these four Canadian POWs who escaped and that you were there at the time, was anything said at the time by Col TOKUNAGA to Lieut-General TANAKA, in his report, as to under whose orders these four men had been killed?
- A. I was not there during the whole of the conference and I do not know the details, but at the end I heard Lieut-Gen TANAKA ask Col TOKUNAGA about his position and the position of the Chief of Staff,
- Q. Now, can you tell the Court when you went to Canton, did you go to Canton on orders from Col TOKUNAGA or on orders from Lieut-General TANAKA. When you went to see Lieut-Gen TANAKA by whose orders did you go -- did you go because Col TOKUNAGA ordered you or did Lieut General TANAKA give instructions that you should come?
- A. At that time I was at Canton and I was called by the office of the Commander in Chief and, therefore, I think that the Staff Officer of Lieut-Gen TANAKA called me.
- Q. Would it be correct to say that you were sent for because in your position as Intelligence Officer to Col TOKUNAGA you might have been in a position to throw some light on what had happened, is that why you had been sent for?
- A. I think the object in calling me was because they wished to inform General Headquarters at Nanking of the Expeditionary Army in China about this matter.
- Q. What connection did you have with the Expeditionary Army at Nanking?
- A. At that time there was an army transmission to the Canton area Army asking for information about the condition of the Hong Kong POW Camp and in Canton, at that time, I and another lieutenant by the name of HARA were familiar with the state of affairs at the POW Camp; therefore, with this object I think I was called to Headquarters.
- Q. You heard Col TOKUNAGA tell the Court how he made a report to the POW Information Bureau?
- A. I heard the evidence.
- Q. And as far as you know did the POW Information Bureau ever comment on this report of Col TOKUNAGA'S either in the form of a letter to him or in the form of a message brought by any other officer?
- A. As far as I know I do not think so.
- Q. Did you hear the evidence given by witness MATSUDA as to a conversation between Major YAMANOCHI of the POW Information Bureau and Lieut HARA?
- A. I heard that.
- Q. Is there any comment or any observation that you would like to make on that?
- A. I did not hear anything from Lt HARA about that -- I heard about that for the first time in the Court.
- Q. You have told the Court what were your duties as an Intelligence Officer and that among your duties you stated your duty was to keep documents in connection with the POWs, is that correct?
- A. That is correct -- from the POW Information Bureau there was a transmission saying that certain documents concerning the POWs should be kept and I was in charge of keeping those documents.
- Q. With regard to these four Canadian soldiers was any entry made on any list about them after they had been killed or were they just struck off the nominal roll or were they shown on the list as having died or having been killed, or what was the position?

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4TH WITNESS FOR DEFENCE -- Lieut TANAKA HITOSHI (ACCUSED)

QUESTIONS BY COURT (Cont).

A. As I remember it an entry was made in the POW nominal roll saying that they were executed because they attempted to escape. In the list of persons shot to death the names of these POWs were written in and it said that they were shot because they attempted to escape.

Q. When was this done or written?

A. In the nominal roll it was written in at that time; it was written in the list of persons shot during the end of 1942 or beginning of 1943.

Q. Did you hear the evidence of the witness Mr. EUGENE MAK who was employed as a typist at the POW Headquarters.

A. Yes, I heard.

Q. Do you remember, in his evidence he stated that about a week before the surrender of Japan he received an order to substitute for the word 'escape' against the names of these four Canadian POWs ~~the names of~~ the word 'executed', do you remember him saying that in his evidence?

A. I heard the evidence.

Q. Is there any comment you would like to make about that?

A. At that time it was entered in the POW nominal roll as 'executed' and also in a report that was sent to TOKYO it was put down as 'executed.' Maybe at the time of the Japanese surrender some other sort of document was made and 'escape' may have been changed to 'executed'.

Q. Lieut TANAKA, you were the Intelligence Officer of POW HQS., an officer with important duties and responsibilities, and you also later on ~~in the~~ became the Commander of a Camp -- you have lead the Court to believe that you were exclud~~ed~~ by Capt KURATA ~~to be present~~ at this interrogation; Capt KURATA waved you away as though you were someone who had no business to be there -- this was at the interrogation of the four Canadians?

A. First of all I was not a Camp Commander at the time of the incident --

COURT: The Court quite understand that but you did become one later on.

A. and I wish to say that many times I asked the Camp Commandant to have the word 'intelligence' changed because the word 'intelligence' inferred that information or other things should be obtained from the POWs by interrogation, but actually the Intelligence Officer only took care of the keeping of documents that concerned the POW and anything that happened because of guarding or escapes or things like that were under the supervision of the Adjutant and at that time the Adjutant was Capt KURATA and he waved to me to go away so I went away.

Q. You have told the Court that for some time besides being Adjutant you were also in charge of the General Affairs Section, is that right?

A. That is correct.

Q. And we have been told by Col TOKUNAGA, and if not by him, by Capt SAITO, that the duty of providing transport, in the case of sick POWs was a matter for the General Affairs Section, do you agree that that is correct?

A. Yes I heard this, I agree.

Q. Can you tell the Court how many trucks did you have at POW HQS at your disposal?

A. While I was in charge of the General Affairs Section there were two lorries and one diesel lorry.

Q. Besides these lorries what other transport was attached to POW HQS?

A. There was one staff car for the Camp Commandant and from May 1944 the

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4TH WITNESS FOR DEFENCE -- Lieut TANAKA HITOSHI (ACCUSED)

QUESTIONS BY COURT (CONT).

the Camp HQS. received another staff car for general use.

Q. Were these trucks the trucks that were used to carry rations to the POW Camps?

A. That is correct.

Q. Were these trucks under your direct control or did they belong to some other unit who sent them in to you to report every day?

A. They were under my direct control.

Q. In order to use these trucks were they only used at the direct order of the General Affairs Section or was there a N.C.O. who could send them out on whatever duties that were necessary.

A. There was an N.C.O. in charge of the transport arrangements and if an officer was not present, this N.C.O. would be in charge of the controlling of the transport.

Q. When you say 'an officer' do you mean by that the Adjutant or the head of the General Affairs Section?

A. By that I mean the Adjutant or the head of the General Affairs Section because they are the same person.

Q. Supposing Capt SAITO wanted a truck for some purpose; perhaps to hospitalize a sick man, would he have to come and see the head of the General Affairs Section first or could he go straight to the Transport N.C.O. and ask for a truck?

A. Ordinarily, I think he would come to see the officer; in my case he always came to me.

Q. Supposing another officer from HQS was to require a truck and would go straight to the N.C.O. and ask for transport without having seen you first or the head of the General Affairs Section, would the Transport N.C.O. have given him the transport should he have required it?

A. Ordinarily in cases of official duty, such as the carrying of rations and things like that the N.C.O. in charge of transport would lay out a lorry but if the lorry was required to be used for something else the N.C.O. in charge of transport would ask permission of the Officer for the steps to be taken.

Q. Wouldn't you consider the transporting of a sick man, whether he was a POW or a member of the Japanese staff or a guard to the hospital -- wouldn't you consider that an ordinary duty?

A. That would be an ordinary duty.

Q. You heard Capt SAITO tell the Court how very difficult the Shipping Unit was and how difficult it was to get boats from them to take sick POWs from the KOWLOON side to HONG KONG to be sent to the BOWEN ROAD Hospital; you heard him say that?

A. I heard the evidence.

Q. And do you agree that that was so?

A. I agree.

Q. When you found that the Shipping Unit were being difficult over this matter did you report this to the Camp Commandant?

A. I did.

Q. And to your knowledge did the Camp Commandant make any attempt to see Col KONOGI or Col OMACHI himself or did he take the matter up to a higher authority?

A. About this matter the Camp Commandant consulted both with the Commander of the Shipping Unit and the Governor General. Ordinarily, after each time the Camp Commandant consulted with these people the position would be comparatively easy and a boat would be obtained, but soon after the position would return to its former circumstances.

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4TH WITNESS FOR DEFENCE -- Lieut TANAKA HITOSHI (ACCUSED)

QUESTIONS BY COURT (Cont).

While I was in charge and every time that I would ask for a boat the answer from the Shipping Unit would ordinarily be that there was no fuel; therefore, it was difficult to send out a boat.

COURT: Mr. FUJITA, arising out of the questions asked by the Court do you wish to ask any further questions?
DEFENCE: No questions.

COURT: Mr. HASEGAWA, arising out of the questions asked by the Court do you wish to ask any further questions;
DEFENCE: No questions.

COURT: Major PUDDICOMBE, arising out of the questions asked by the Court do you wish to ask any further questions?
PROSECUTOR: No questions.

COURT: The witness can stand down.

COURT: Will you call your next witness

DEFENCE: I wish to call Interpreter TSUTADA.

5TH WITNESS FOR DEFENCE -- Interpreter TSUTADA (ACCUSED).

EXAMINATION IN CHIEF -- Mr. FUJITA.

Witness is sworn ^{ALL} in.

COURT: Mr. Fujita, witness wishes to give his evidence in English, have you any objection to that?
DEFENCE: I have no objection but I would like to have the witness when he answers in English, for him to repeat the answer in Japanese; therefore, it would be convenient for him and also it would be convenient for myself.

COURT: You appreciate Mr. FUJITA that this witness has not been sworn in as a Court interpreter and, therefore, if you wish to have his answer repeated in Japanese the interpretation must be done by Mr. TOSHIO -- we cannot lose the official Court interpreter.
~~was not an official interpreter~~ ^{ALL}

DEFENCE: I understand.
EXAMINATION IN CHIEF. ^{ALL}

Q. Give your full name and age?

A. TSUTADA ITSUO, age - 30.

Q. What was your position in the Japanese Army?

A. During my term of service I was given the temporary status of a HANIN rank -- civilian official.

Q. What sort of work did you do?

A. I was an interpreter.

Q. Were you ever posted to the Hong Kong POW Camp as interpreter?

A. Yes.

Q. During what period were you posted as interpreter?

A. I was an interpreter from April 1942 to August 1943.

Q. Until what date in August were you posted as interpreter?

A. Until the 31st of August 1943.

Q. After the 31st of August 1943 where were you on duty?

A. I was transferred to the 4TH Division Headquarters as an interpreter but owing to transportation difficulty I could not leave Hong Kong until

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5TH WITNESS FOR DEFENCE -- Interpreter TSUTADA (ACCUSED)

EXAMINATION IN CHIEF -- Mr. FUJITA (Cont). /

some time at the end of October or beginning of November.

Q. From the 31st of August when you left the POW Camp and until the time when you left Hong Kong where did you work?

A. I did not work.

Q. At the Hong Kong POW Camp where actually did you work as interpreter?

A. At SHAM SHUI PO from April till August and at the beginning of September, I went to Japan with the first draft in which Lieut TANAKA was the Transport Commander. I came back at the beginning of October to Hong Kong and within one or two days I was transferred to MAU TAU CHANG, the Indian Camp. I stayed at MAU TAU CHANG, I do not remember very clearly, but I think it was until about March 1943 and then I was again transferred to SHAM SHUI PO Camp where I stayed until August of the same year.

Q. What was the time when you went to Japan, was that in 1942?

A. Yes, 1942.

Q. You worked as an English interpreter, is that correct?

A. Yes.

Q. Do you know any other foreign languages besides English?

A. I speak Indonesian and Siamese and a little bit of Peking.

Q. Can you speak German?

A. I cannot speak German.

Q. Do you know the Dutch Naval Commander, HEID^{RU}KOPER?

A. I do.

Q. Was there any incident between you and HEID^{RU}KOPER that could be remembered?

A. Yes.

Q. What sort of incident was that?

A. I took part in the punishment not only of Lieut HEID^{RU}KOPER but also some Naval Ratings of the Dutch Navy in connection with some radios discovered in the Camp.

Q. Can you remember the approximate date of this incident?

A. I cannot remember very clearly but it was some time in April 1943, if I recollect clearly.

Q. In what way were you connected with this incident?

A. One day when I came back from an errand at HQS., it was about 5 o'clock or 5.30 in the afternoon, -- I saw Lieut HEID^{RU}KOPER and some naval ratings being lined up in front of the Camp office, and the Commander in Charge of the Camp at the time, Lieut WADA and three or four NCO's were there; these N.C.O's were taking a turn in slapping these naval ratings, and when I went into the office Lieut WADA explained to me the circumstances, and after explaining he told me to take part in the punishment also. I slapped each of them once.

Q. Did you also slap Lieut HEID^{RU}KOPER?

A. I did.

Q. Do you remember the names of anybody else on the Japanese side besides Lieut WADA who were present at the incident?

A. Sgt Maj KUROSAKI, Sgt YUMITE, Sgt Maj TAKAHASHI and one other guard, a N.C.O.

Q. Lieut Col CRAWFORD, in his evidence, states that you hit HEID^{RU}KOPER with a belt, did you hear that evidence?

A. I heard the evidence.

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5TH WITNESS FOR DEFENCE -- Interpreter TSUTADA (ACCUSED)

EXAMINATION IN CHIEF -- Mr. FUJITA (Cont).

Q. Is there something you wish to comment on that?

A. I did not use a belt.

Q. Do you remember a POW by the name of BALLINGAL?

A. Yes I know his name now but I did not know his name at the time of the incident?

Q. You said at the time of the incident, what sort of incident was there?

A. I had to punish him for failing to salute the Camp Commandant,

Q. When did this happen?

A. I am sorry I do not remember very clearly but I think this was also in April 1943 if I am not mistaken.

Q. Do you remember the place of the incident?

A. At SHAM SHUI PO Camp.

Q. You said you had to punish him, in what way did you punish him?

A. I slapped him.

Q. What were the circumstances that led to your having to punish him?

A. I accompanied Col TOKUNAGA and his party in one of the Monthly Inspections; somewhere near the hospital quarters one POW having failed to salute was taken note of by the Commander in Charge of the Camp after being pointed out by the Camp Commandant; saluting is very strictly observed in the Japanese Army; after the inspection when we returned to the Camp Office I heard the Camp Commandant, after commenting on the results of the inspection, tell the Commander in Charge of the Camp to have this POW who had failed to salute punished. I happened to be the only one near by and although it was not usual for an interpreter to be ordered to carry out punishments; the Commander in Charge of the Camp told me to carry out the punishment -- "as usual" he said in front of the Camp Commandant. I went back to the hospital, called the Chief POW Medical Officer in charge of the hospital area and I asked him to gather all the medical personnel, N.C.O's, medical orderlies and also the POW who had failed to salute; I asked the most Senior Officer of the Canadian POWs and the British representative, Major BOON, to be present. When these officers, Major BOON, and the senior officer of the Canadian POWs, the Chief Medical Officer of the POWs, the medical orderlies and N.C.Os came, I told them of the incident. I called the POW concerned and after explaining the Camp Commandant's order I slapped him once.

Q. BALLINGAL, in his affidavit (Exhibit J(2)) states that judo was used on him by STODDA and also that he was kicked and also that he was hit by STODDA'S sword, is there anything you wish to comment on this?

A. That is not correct.

Q. Do you remember a Canadian by the name of ALEX HINKEL?

A. I heard his name in the Court but I do not remember him personally.

Q. ALEX HINKEL in his affidavit (Exhibit G(1)) stated that you spoke German fluently, but you have just testified that you do not speak any German, was there anybody else at the Camp who spoke German?

A. None so far as I know.

Q. Also HINKEL, in the same affidavit states that during the latter part of June or the beginning of July 1943 because of his nose bleeding he stooped his head at the morning roll call and because he did this he was hit by STODDA and six teeth were broken, do you remember such an incident ever happening?

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5TH WITNESS FOR DEFENCE -- Interpreter TSUTADA (ACCUSED)

EXAMINATION IN CHIEF -- Mr. FUJITA (Cont).

A. I am positive that no such case took place so far as I was concerned.

Q. Do you remember an English naval officer, Chief Writer JONES?

A. I am sorry I do not remember.

COURT: Is Chief Writer JONES mentioned in the affidavit ^{an RCU} ~~in the~~ proceedings? ^{RCU}

PROSECUTOR: Yes, sir -- Major GRAY's affidavit, Exhibit Y -- fourth page, sub-para (g)

Q. Major GRAY in his affidavit states that on the 10th of October 1943 you struck Chief Writer JONES with a belt in the buckle, do you remember if such an incident happened or not?

A. I do not remember, but as I have said, after the 31st of August I was not a member of the staff of the POW Camp and I had nothing to do with the internal matters of the Camp and its administration.

Q. Do you remember a person by the name of CARKEET? ^{RCU}

A. I do not remember him.

Q. Major GRAY, in his affidavit also states that he heard from this person that you struck him with a leather belt on the 17th September 1943, do you remember such an incident happening.

A. I do not remember -- there must be some mistake -- as I have stated I was not connected with the camp on the 17th of September.

Q. Do you remember a Capt OTTWAY?

A. Yes, I heard his name in the Court, but personally I do not know him.

Q. Mr. PROPHET, in his evidence states that because one man was short at the Roll Call you hit Capt OTTWAY, do you remember this incident?

A. I heard the evidence but I do not remember the incident personally.

Q. Do you remember a man named COTTON who was a member of the Hong Kong Volunteer Corps?

A. I do not remember.

Q. Was there ever a case when you asked one of the POWs to spy on their comrades?

A. No.

Q. Do you remember whether you caused an incident concerning the word "NIP"?

A. I do not remember.

Q. Ordinarily, what feeling did you show towards the POWs when you were with them?

A. I did my best to treat them fairly.

Q. Generally speaking this concludes my questioning, is there anything you wish to say concerning the charge against you?

A. No, sir.

COURT: Mr. HASEGAWA, do you wish to cross-examine?

DEFENCE: No questions.

COURT: Major, PUDDICOMBE, do you wish to cross-examine?

CROSS-EXAMINATION -- Major PUDDICOMBE.

Q. TSUTADA, will you tell the Court what happened in the case of HADDOCK and PRATA?

A. I know nothing of what happened to HADDOCK and PRATA, but connected with that ~~case~~ case, I am sorry I do not remember the date, but I had occasion to bring one or two prisoners to the ARGYLL STREET quarters on the instructions of either the Adjutant or the Camp Commandant, I do not remember which.

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5TH WITNESS FOR DEFENCE -- Interpreter TSUTADA (ACCUSED)

CROSS EXAMINATION -- Major PUDDICOMBE (cont).

Q. You mean Col TOKUNAGA?

A. Yes.

Q. Was PRATA there at the time?

A. I do not know him.

Q. Do you know HADDOCK?

A. No.

Q. Do you remember who you did take?

A. I am not sure about the rank but I remember Major GRAY of the R.A.F. and another Sgt.

Q. Are you sure the officer was in the R.A.F.

A. Yes.

Q. Where did you take the R.A.F. Officer GRAY and the Sgt?

A. To the Officer's quarters in ARGYLE STREET.

Q. Who was there when you got there?

A. I handed the men over to Capt YOKOI, I saw two or three people in civilian clothes, I do not know who they were -- I think they were gendarmes.

Q. Do you know anything of what was going on at that time, did you hear or see anything?

A. I did not see much, but --

Q. What did you see?

A. I am not sure about the incident so I do not wish to give the answer.

Q. What did you hear? What actually did you hear at the place when you took this R.A.F. officer and the Sgt to ARGYLE STREET?

A. I did not hear anything.

Q. In the BALLINGAL affair who was it that he failed to salute, was it the Camp Commandant himself, Col TOKUNAGA?

A. Yes, he failed to salute the Camp Commandant, Col TOKUNAGA.

Q. Was it Col TOKUNAGA who ordered you to punish him?

A. He ordered the Commander in Charge of the Camp in my presence and the Commander in Charge of the Camp ordered me to carry out the punishment.

Q. Was Col TOKUNAGA present when the Commander in Charge of the Camp ordered you to carry out the punishment?

A. He was.

Q. Did the Commander in Charge of the Camp inform you what the punishment was to consist of?

A. He used the word "as usual" -- that is -- as is customary in the Japanese Army.

Q. And did you then take it for granted that you were to slap BALLINGAL?

A. That is the only form of punishment I know which is administered when a person fails to salute in the Japanese Army.

Q. Would it be correct to say then that you had received that instruction before or heard other NCO's give an interpreter permission to punish a POW by slapping?

A. That sort of thing occurs daily in the Japanese Army.

Q. I do not think you have answered my question -- I want to know particularly if it had been indicated by the Camp Commandant or any other superior officer that that sort of punishment had to be administered to POWs -- I am just asking this generally, that is all?

A. I have never heard of definite orders being given to slap a POW but

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5TH WITNESS FOR DEFENCE -- Interpreter TSUTADA (ACCUSED)

CROSS EXAMINATION -- Major PUDDICOMBE (Cont).

I saw the Commander in Charge of the Camp punishing POWs in that way, sir -- in the case of Lieut HEIDOKOPER, the Commander in Charge of the Camp slapped him.

Q. When you actually carried out the punishment of BALLINGAL was Col TOKUNAGA present?

A. He was not present.

Q. At any time, in your memory, was Col TOKUNAGA present when a POW was struck?

A. No sir.

Q. You were a HANIN interpreter, is that correct?

A. Yes sir.

SONIN RCL

Q. That was junior to the other rank, was it?

A. It was junior and equivalent to a N.C.O. in the Army.

Q. Is it true to say that the interpreter, either of one rank or the other, is always under the command of any military -- I mean by that is he subject to take orders from any other ranks in the Army?

A. I do not think that is correct -- civilian officials take orders from their direct superiors; I do not know there might be some exceptional circumstances, but normally civilian officials take direct orders from the line of command -- for instance in my case I took routine orders only from the Commander in Charge of the Camp and the Camp Commandant.

No further questions.

RCL

COURT: Re-examination Mr FUJITA -- declined.

Mr. HASEGAWA -- no questions.

QUESTIONS BY COURT:

Q. What did you do between the time that you were posted to the 4th Division and between the time you actually left Hong Kong, do you mean to say you were just allowed to remain idle without any duty of any kind?

A. That is correct.

Q. And where did you live during that time?

A. I lived in SHAM SHUI PO Camp staff quarters where I lived before. Normally I was told to shift to the Transit Camp but I specially asked for permission to stay where I was.

Q. Several witnesses have given evidence that you had some knowledge of the German language; there is nothing wrong in knowing German; can you tell the Court why these witnesses should have got the impression that you knew German -- did you either at some time speak German or tell them that you knew the language, otherwise why should they come into Court and invent a futile story?

A. I could not say sir.

PROSECUTOR: Sir, do you recall an incident when a witness actually said that or was it all in affidavits?

COURT: The witness denies it, anyway.

PROSECUTOR: At this point I would like the Court to ask a question which I myself meant to put at the Cross-examination: Is there a possibility that there was another STODDA or an interpreter who looked like the witness who had taken his place in the interim while he was awaiting transportation, or at any time after.

COURT: While you were waiting for transport when you were

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5TH WITNESS FOR DEFENCE -- Interpreter TSUTADA (ACCUSED)

QUESTIONS BY COURT (Cont).

WITNESS: posted to the 4th Division, who did the interpreting at the Camp in your place?
Interpreter SEIKIZAWA.

COURT: Did he speak German.

WITNESS: I do not think so.

COURT: Did he look like you in appearance?

WITNESS: I could not say.

Q. Is it right that you were born in Singapore?

A. That is correct.

Q. Did you go to school there?

A. Yes.

Q. Are both your parents of Japanese birth?

A. Yes sir.

Q. Both Japanese?

A. Both Japanese.

Q. You have told the Court that you were ordered to punish BALLINGAL for not having saluted the Camp Commandant and you have also told the Court slapping is the only punishment in the Japanese Army and it was customary to slap almost daily -- you have also told the Court you only slapped BALLINGAL once; supposing it had come to the knowledge of the Camp Commandant or to Col TOKUNAGA that you had only slapped BALLINGAL once, would any action have been taken against you for not punishing BALLINGAL more severely?

A. I do not think so -- it is not a punishment -- it is a sort of a reminder in the Japanese Army.

Q. Is kicking or striking a man with a piece of wood or sword scabbard -- is that also included in this 'reminder' as a Japanese custom?

A. It is not -- in the Japanese Army slapping takes place frequently but a Japanese officer or superior is not allowed to use any weapon in striking a person -- only with his open hand or fist and this is recognized but it is not recognized that a superior should strike a subordinate with a belt or sword.

Q. You have told the Court that the Camp Commandant ordered that Ballingal should be punished for having failed to salute -- how do you account then for the fact that the Camp Commander ordered you to give him just what you call a reminder?

A. That is the order I got from the Commander in Charge of the Camp; the Commander in Charge decided the type of punishment.

Q. I would like to refer you to POW Camp Regulation Imperial Ordinance No. 1182 of December 23rd 1941 and ~~Article VII~~ Article VII thereto which is submitted in this Court and listed as Exhibit V(4) -- Article VII says (Court reads the Article) -- in the light of that do you still tell the Court that you had not been under the orders of any officer at the POW Camp HQS., or for that matter, that you would not have to obey the order of any Japanese Officer who came and told you to do something providing it was a proper military order?

A. I do not know much about the regulation, but so far as I was taught, the regulation that you have just referred to says NCOs and Junior Ranking civilians in general; if these general officials were to be under a certain officer, then he would be subject to taking orders, but in my specific case I was told my direct superiors were the Commander in Charge of the Camp and the Camp Commandant himself.

Q. Supposing you had been committing some minor breach of the regulation or doing something which you knew you should not be doing and Lieut TANAKA, who was the Adjutant, or at the time he was Adjutant, came

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5TH WITNESS FOR DEFENCE -- Interpreter TSUTADA (ACCUSED)

QUESTIONS BY COURT (Cont).

and ordered you to stop doing it, could you say that you were not bound to obey him because he was not your immediate superior?

A. If I was in the wrong I would have to obey, not because he was an officer but because I think it would be reasonable for him to stop me, but if I were not in the wrong and he came to my office and ordered me to do something, in that case I could tell him to go and speak to the Commander in Charge of the Camp.

Q. I want you to look at that document which has just been handed to you (Exhibit Y(4)), have you ever seen a similar document to that during your duties as an interpreter at SHAM SHUI PO?

A. Yes.

Q. Was it a fact normally that regulations were translated from Japanese into English and given to the various POW representatives at the different Camps for their instruction and guidance?

A. I do not know about that but this is the one translated into English and handed over to Major BOON -- I recognize his writing.

Q. Do you recognize the seal of the Japanese character at the bottom left hand page?

A. I can read it but I cannot recognize it.

Q. What does it read?

A. HASEGAWA.

Q. Was there anyone named HASEGAWA at POW HQS?

A. There was an interpreter by the name of HASEGAWA.

Q. And do you know who drafted or who drew up these regulations?

A. I cannot give a reliable answer because I am not sure, usually these regulations came to the various branch camps HQS., sometimes in the name of the Camp Commandant, or in the name of the War Minister or the Hong Kong Governor.

Q. So, therefore, do you mean to tell the Court that at the branch camps you have seen three different types of orders -- some direct from Tokyo, some from the Camp Commandant and some from the Hong Kong Governor.

A. Correct sir.

COURT: Mr. FUJITA, arising out of these questions are there any other questions that you wish to ask?

DEFENCE: No questions.

COURT: Mr. HASEGAWA, arising out of these questions are there any other questions that you wish to ask?

DEFENCE: No questions.

COURT: Major PUDDICOMBE, arising out of these questions are there any other questions that you wish to ask?

PROSECUTOR: No questions.

COURT: The witness can stand down.

The Court is adjourned until 1000 hours on 28th January 1947.

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No. 5 WAR CRIMES COURT.

48TH DAY'S PROCEEDINGS of the trial of Col. TOKUNAGA ISAO, Capt. SAITO SHUNKICHI, Lieut. TANAKA HITOSHI, Interpreter TSUTADA ITSUO and Sgt. HARADA JOTARO of the Imperial Japanese Army held at Hong Kong on the 28th January, 1947, at Jardine Matheson's East Point Godown.

The Court re-assembled at 1000

1000 hours - 28th January, 1947.

5TH WITNESS FOR DEFENCE - Sgt. HARADA JOTARO (Accused).

EXAMINATION IN CHIEF - Mr. FUJITA.

COURT: Will you call your next Witness.

DEFENCE COUNSEL: I wish to call Sergeant HARADA Jotaro.

5th Witness for DEFENCE, Sergeant HARADA Jotaro, ^{*having been duly sworn*} ~~makes a solemn declaration and being examined by the DEFENCE COUNSEL (Mr. FUJITA) gives the following evidence:~~ ^{*see*}

Q: Give your full name, rank and age?

A: HARADA Jotaro, Army Sergeant, 29 years old.

Q: When did you first come to Hong Kong?

A: 1st October, 1943.

Q: What sort of duties were you posted to?

A: I was posted to Hong Kong P.O.W. Camp.

Q: At the P.O.W. Camp in the main part what sort of duties did you do?

A: In compliance with the orders and instructions of the Commander in charge of the Camp, I was an N.C.O. doing duties that concerned the P.O.Ws.

Q: What kind of duties did an N.C.O. do?

A: In compliance with instructions and orders of the Commander in charge of the Camp, an N.C.O. did office work concerning the P.O.Ws.

Q: In July and August, 1944, which P.O.W. Camp were you working in?

A: I was posted to the Officers' Section of the SHAMSHUIPO Camp.

Q: Do you know whether at that time if a foreigner ever visited the Camp?

A: As I remember it, the Hong Kong Representative of the International Red Cross Association inspected the Camp.

Q: When did you first know that there was to be an inspection at the SHAMSHUIPO Officers' Section?

A: I knew about it a day before the inspection.

Q: Under what circumstances did you find out that there was to be an inspection?

A: The day before the inspection I received the following order by telephone from the Camp Commandant :-

'There will be an inspection by the Local Representative of the International Red Cross to-morrow, therefore, the P.O.Ws. are prohibited to converse with the said Representative.'

This was the telephone order I received.

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5TH WITNESS FOR DEFENCE - Sgt. HARADA JOTARO (Accused).

EXAMINATION IN CHIEF - Mr. FUJITA (Contd).

Q: Do you remember a Lieut. BARNETT?

A: I remember.

Q: Was there an incident between you and BARNETT that could be remembered?

A: On the day of the inspection I was leading the Representative Inspection Party around the Camp.

Q: At that time from the Japanese side, who were present you and who else?

A: The Camp Commandant, the Acting Commander in charge of the Camp, Lieut. TANAKA, Interpreter NIIMORI and there were two or three more, but I do not remember.

Q: And will you continue your explanation from the above when you said you led the Inspection Party?

A: When the Inspection Party passed in front of Lt. BARNETT, without anybody's permission and in the presence of the Camp Commandant, Lieut. BARNETT tried to speak to the Representative. At that time he was stopped by Interpreter NIIMORI. However, the Camp Commandant ordered the following to me:

'Take him over there and strictly investigate him'.

Although at that time I was leading the Party, I took him out of the line and put him in a small room. Then the inspection was continued and after a few minutes the inspection ended, and the Representative and his party left the SHANSHUIPO Camp. I wanted to ask for instructions about the investigation through Lt. TANAKA to the Camp Commandant by telephone, but at that time Lt. TANAKA and the Camp Commandant were not present. I then returned to the small room and there was nothing else for me to do, so I hit BARNETT with my open hand.

Q: Where did you hit BARNETT?

A: On the cheek.

Q: How many times did you hit BARNETT?

A: As I remember it three times.

Q: After that what happened to Lt. BARNETT?

A: When I interrogated BARNETT he only said, 'I am sorry' and did not answer my questions. At that time there was nothing else that I could do towards the interrogation and at that time ~~W/O~~ W/O HONDA, who was the Senior N.C.O. in charge of the P.O.Ws. was there, therefore, I handed BARNETT over to him.

Q: You said you interrogated BARNETT - did you yourself interrogate him, or did you interrogate him through an Interpreter?

A: I interrogated him through Interpreter KATAYAMA.

Q: After BARNETT was handed over to W/O HONDA, do you know what happened to him?

A: I only handed him over to W/O HONDA and I do not know what happened to him later because I returned to my quarters.

Q: Do you remember whether in May or July, 1944, ~~there~~ if there was an identification parade of the Officers at SHANSHUIPO Camp carried out by the Gendarmes?

A: There was.

Q: At that time were you also present?

A: I was present.

Q: At that time do you remember whether you caused an incident that could be remembered?

A: I do not know.

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5TH WITNESS FOR DEFENCE - Sgt. HARADA JOTARO (Accused).

EXAMINATION IN CHIEF - Mr. FUJITA (Contd).

Q: Witness BAILIE in the Court testified that you took a pair of glasses from a P.O.W. and broke the glasses, do you remember the evidence?

A: I heard the evidence.

Q: Can you remember whether there was such an incident?

A: At that time there was no such incident.

Q: What was your ordinary feeling towards the P.O.Ws?

A: I tried to do my best towards the P.O.Ws. in compliance with instructions and orders of the Commander in charge of the Camp.

No further questions.

CROSSEXAMINATION - Mr. HASEGAWA. (declined).

CROSSEXAMINATION - Major PUDDICOMBE.

Q: When this ~~parade~~ parade took place with the Red Cross Representative and Capt. BARNETT stepped out of line, was an order given by Col. TOKUNAGA to take him and strictly investigate him?

A: That is correct.

Q: What did you understand by strictly investigating?

A: Considering the policy of the Camp Commandant and also his attitude at that time, I took that order to mean that if the investigation did not go properly, to carry out the investigation as in the Japanese Army.

Q: And what would that be?

A: In the Japanese Army if a person did not obey an order, or if a person did not answer a question during the interrogation, it was customary to beat him.

Q: What questions did you ask BARNETT?

A: "Did you hear yesterday's order?"

He did not answer.

"Why did you speak to him?"

He did not answer.

"What did you say?"

He did not answer.

I asked these three questions.

Q: Then because he did not answer you proceeded to act as they act in the Japanese Army, is that so?

A: That is correct.

Q: Where did this slapping take place?

A: In front of the small room where he was confined.

Q: Is there any other places you slapped him?

A: I did not.

No further questions.

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5TH WITNESS FOR DEFENCE - Sgt. HARADA JOTARO (Accused).

QUESTIONS BY COURT.

- Q: Was Interpreter KATAYAMA with the party that was going around when BARNETT called out?
 A: I do not remember clearly, but I think that he was.
- Q: If you wanted to know what BARNETT had said, wouldn't ~~you~~ it have been simpler to begin with to ask KATAYAMA who understands English?
 A: It did not occur to me at that time to ask KATAYAMA.
- Q: For how many months altogether were you at SHAMSHUIPO Officers Camp?
 A: As I remember I went to SHAMSHUIPO for the first time in April. As I remember it I stopped work there during the beginning of August and returned to H.Qs.
- Q: This was in 1944?
 A: That is correct. *Mem. Acc*
- Q: Were you ever in the ~~main~~ Section of SHAMSHUIPO Camp?
 A: No I never was there.
- Q: Was it part of your duty to attend roll calls?
 A: I was present at the roll call together with the Commander in charge of the Camp.
- Q: And supposing for ~~idiot~~ reason the Commander in charge of the Camp did not attend a roll call, would you conduct the roll call yourself?
 A: In that case with the Interpreter.
- Q: Do you remember any occasions when there was special roll calls at nights sometimes?
 A: As I remember it, there was no special roll call besides morning and evening roll calls.
- Q: ~~22~~ W/O HONDA - can you describe his appearance?
 A: He was a tall person with big cheek bones.

No further questions.

COURT: Witness can stand down.

DEFENCE COUNSEL: I have prepared five witnesses, and I wish to call the first, Major General SHOJI.

6TH Witness for DEFENCE, Major General SHOJI Toshishige *having been duly* ~~makes a~~ solemn declaration and being *acc* examined by the DEFENCE COUNSEL (Mr. FUJITA) ~~gives the following evidence:~~ *acc*

COURT: Will you warn the Witness that he need not answer any question from either the Prosecutor, Defence or the Court, which might implicate him in crime.

- Q: Will you give your full name?
 A: SHOJI Toshishige.
- Q: What is your age?
 A: 58.

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6TH WITNESS FOR DEFENCE - Major General SHOJI TOSHISHIGE.

EXAMINATION IN CHIEF - Mr. FUJITA. (Contd).

Q: What is your rank?

A: Army Major General.

Q: How many years did you serve in the Japanese Army?

A: 36 years from 1909.

Q: Can you hear me?

A: I can hear you.

Q: I will ask you the relation between orders and obedience of the orders in the Japanese Army?

A: If a person was ordered to do something and the said person thought that the order was unreasonable, what steps are allowed to him to be taken?

A: In the Japanese Army orders are considered sacred and these orders should be received solemnly and they should be obeyed solemnly. The receiver of an order in the Japanese Army is not permitted to ask whether the order is reasonable or unreasonable; and also the receiver of an order is not permitted to question the reason or cause of an order. The only thing that is permitted of a receiver of an order is that if the order he receives at first and an order he receives later do not agree he can act in a round about way to have the latter order altered, so it would tally with the first order, otherwise the receiver of an order must absolutely obey the order.

Q: Is there anything, any documentary proof ~~that~~ in which you can back up what you just said that an order must be absolutely obeyed?

A: This is laid down in an Army Ordinance and also under the obedience article of Army Internal Service Regulation. There is one way that is allowed to a receiver of an order. That is if he thinks that the order is unreasonable and that it is detrimental to the Army, he can in a round about way express his opinion for the purpose of assisting his superior, but in no way is he allowed to cause disorder in the Army. However, if the superior does not agree with the opinion, the receiver of an order must forget his opinion and do his absolute best to obey the order of this superior.

Q: In the Japanese Army, what method is used in giving an order?

A: In the Japanese Army ordinarily an order is given verbally. Sometimes this order is taken down in writing, sometimes the order is printed or given in writing, but this is not the ordinary case. As I said just now ordinarily it is given verbally, but when an order is given verbally it is always usual to have the receiver of an order repeat the order. In the Japanese Army when a person is ~~appointed~~ appointed to a ~~responsible~~ responsible position, the ones that would do the change over happens between the newly appointed person, the responsible person and his predecessor. There are two ways first when a newly appointed person goes to the predecessor's office and takes over the charge. This method is usually adopted at the front. The second method is when it is clearly stipulated in an order as to when the change should take place in the order of the superior.

Q: In the second method when the Superior stipulates the time of the change over, when was this method used, can you give an example?

A: When a new Unit is organised when and after the completion of the organisation of this new Unit, the Superior would usually stipulate the change over of responsibility at that time.

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6TH WITNESS FOR DEFENCE - Major General SHOJI TOSHISHIGE.

EXAMINATION IN CHIEF - Mr. FUJITA (Contd.).

Q: Can you say who is the nearest direct supervisor to a Commandant of a P.O.W. Camp?

A: The direct supervisor to a Commandant of a P.O.W. Camp is General Officer Commanding. In the case of HONG KONG I think it would be the Governor General.

Q: What would be the relation of the line of order between the General Officer commanding and the Camp Commandant?

A: The P.O.W. Camp would be a direct subordinate Unit of the General Officer Commanding. Here the P.O.W. Camp would be a direct subordinate Unit of the Governor General, therefore, the General Officer Commanding or the Governor-General would be the direct superior of the Camp Commandant. As such the Camp Commandant must solemnly obey orders of the General Officer Commanding, or the Governor-General.

Q: Did you work in any duties in connection with a P.O.W. Camp?

A: I did not take part in any duties directly concerning the P.O.Ws. Camp. While I was in charge of the soldiers duty section of the Northern Area Army, I visited the P.O.W. Camp.

Q: Do you know whether there is a regulation stipulating P.O.Ws. rations?

A: ~~There is a regulation.~~ There is a regulation.

Q: In what way is the Camp Commandant limited by this regulation?

A: The scale is laid down, he cannot increase the amount over the scale.

Q: Did the work as Chief of the soldiers duty section concern the P.O.W. Camp?

A: It did not.

Q: Do you know whether there was a policy towards the P.O.Ws. issued by the Central authorities, that is the War Ministry or the P.O.W. Information Bureau?

A: There were these three points in the policy of the Central authority.

(i) Strict treatment of P.O.Ws.

(ii) Do not treat the P.O.Ws. too kindly;

In view of the protests from the Japanese public because P.O.Ws. were treated too kindly during the Sino-Japanese War and the Russo-Japanese War.

(iii) Do not let the P.O.Ws. live a life of leisure.

Q: On what ground did you base these three points of the policy?

A: I took part in the battle of JAVA and at that time many P.O.Ws. were captured. At that time an order was received from the Central authorities through the General Officer Commanding to the Governor General of JAVA, that the P.O.Ws. who were gathered in their big compound, something like the Central Court near BANDONG, were to be moved to BATAVIA. At the time of the transfer of the P.O.Ws. the Governor-General and his Chief of Staff and his servants were all accommodated in the same Camp, but when they were moved to BATAVIA in compliance with the orders of the Chief of Staff, I found seven rooms in a shitable Hospital to accommodate the Governor-General and his personnel but, however, there was an order from the Central authorities saying that this could not be done.

Q: Then I found a small place in the former Infantry Regimental Quarters, but this also was prohibited and finally they were accommodated in two rooms of an ordinary P.O.Ws. Camp.

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6TH WITNESS FOR DEFENCE - Major General SHOJI TOSHISHIGE.

EXAMINATION IN CHIEF - Mr. FUJITA (Contd).

A: Like this even the Commander in Chief of the Area could not treat the P.O.Ws. as he pleased and he was subject to orders from the Central authorities. Therefore, I think it is quite clear by this example, how impossible it was for the Camp Commandant and his Staff to treat P.O.Ws. kindly. Also continuously Officers were sent out from the Central authorities to investigate whether the policy was strictly observed or not. At present the majority of the Japanese are criminals and persons who were concerned with P.O.W. Camps. The first Chief supervisor of the P.O.Ws. attached to the War Ministry was Lt. Gen. UEMURA and the second Chief supervisor of the P.O.Ws. was HAMADA. Both these supervisors because they felt responsible for the treatment towards the P.O.Ws. committed suicide, the first in MANCHURIA and the second in INDO CHINA.

No further questions.

The Court is adjourned for five minutes. *cc 1130 to RCL*

The Court reassembles. *cc 1135 to RCL*

CROSSEXAMINATION - Mr. HASEGAWA (declined).

CROSSEXAMINATION - Major PUDDICOMBE.

PROSECUTOR: If it please the Court, may I have the Exhibit which is the translation of Camp Orders.

COURT hands over to PROSECUTOR Exhibit Y(4).

Q: General, what is your position at the moment in regard to your stay here in HONG KONG?

A: I am in HONG KONG as a War Crimes suspect.

Q: Now you have spoken of necessity for implicit obedience to orders. You were, of course, referring to orders given and received in the field?

A: This applies both to war time and peace time.

Q: You were speaking of orders that were given and received either in Military manoeuvres of some kind or other rather than administrative orders?

A: When I gave my evidence it applied to both.

Q: Now is it not true General that any Staff must take the opinion of the Intelligence Officers, or Officers on the spot in order to give competent directions in respect to the Government or the administration of any particular area for the Unit?

A: It is laid down that in the sense of assisting the Superior, the Subordinate should express his opinion.
So

Q: ~~Was~~ that in the case of a P.O.W. Camp Commandant who finds that for instance the rations that are laid down according to the Regulation are insufficient for the men whom he finds under his supervision, there would be nothing for him to prevent him from suggesting or reporting to the P.O.W. Information Bureau, TOKYO, that such was the case?

A: He can, but this must be passed through the General Officer Commanding.

Q: Would he in fact not be remitting his duty if he did not so report to the General?

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6TH WITNESS FOR DEFENCE - Major General SHOJI TOSHISHIGE.

CROSSEXAMINATION - Major PUDDICOMBE (Contd).

A: The scale is laid down and the Camp Commandant could express his opinion, but he must always obey the Ration scale regulation.

Q: That is well understood. If there is nothing to prevent a suggestion that the Ration scale is not sufficient and as far as I know, I am asking you to correct me if I am wrong, there is nothing to prevent a suggestion to the Superior authority who could not change the regulation, that could be changed, in respect to how much a man should eat. Of course, not saying that I do not suggest that the under Officer can on his own accord change the regulation.

A: He can ask.

Q: Now don't you agree General that reports made by an inferior to a superior authority must be accurate?

A: I agree.

Q: In that event, do you know of any excuse that a Junior Officer or a Subordinate can have to send an absolute false report to a Superior. For instance, a Camp Commandant sending an absolutely false report to the P.O.W. Information Bureau?

A: It is not permitted to make a false report. I do not know the circumstances at HONG KONG.

Q: Now you have ^{given the impression that} estimated in your evidence that the P.O.W. Information Bureau and the War Office have laid down Regulations that P.O.Ws. must be dealt with harshly, to use a broad term, did I understand you correctly?

A: That is correct.

Q: What would you say then to a regulation of this kind presuming it is laid down by a Camp Commandant:

"P.O.Ws. should be treated by the authorities with a spirit of humanity and their personalities should be respected."

A: It is fundamental principle to treat P.O.Ws. in accordance to humanity. They must be treated in that way.

Q: And General according to your evidence, the second rule laid down was that the P.O.Ws. were not to be treated too kindly. Will you please explain your true idea?

A: By to treat P.O.Ws. strictly, that means to treat P.O.Ws. strictly in accordance with the regulation.

Q: That is not what I was asking. You said three points were laid down. The second one was do not treat P.O.Ws. too kindly. Now I am asking you to explain that in the light of what you just said about treating them humanly?

A: I did not say not to treat the P.O.Ws. too kindly. I used the word 'Yugu', which in the Dictionary says, good, kind, co-operative treatment, a warm reception.

Q: Well ^{it} I do not care how you translate/or what it means. In so far as the sense is concerned you have told us that they were not to be given that treatment. Now you told us that they must be treated humanely, that is the explanation I want to hear.

A: Yes that is what I mean to treat the P.O.Ws. humanely. It is laid down in the regulation that a P.O.Ws. should be treated humanely and that they should be treated in that way, but the P.O.Ws. should not be treated too kindly.

A: Is it not true General that you were drawing a general conclusion from a particular incident that has come to your attention in

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6TH WITNESS FOR DEFENCE - Major General SHOJI TOSHISHIGE.
CROSSEXAMINATION : - Major PUDDICOMBE (Contd).

- Q: in respect to the treatment of P.O.Ws.?
- A: I had no special incident in mind, I spoke in a general way. I saw one example of the treatment of P.O.Ws., that is the treatment of the Governor-General in JAVA, so I gave that example.
- Q: That is the only experience you have had of P.O.Ws., is it?
- A: That is one experience. I had another experience when I was attached to the Northern Area Army. Ordinarily the treatment of P.O.Ws. was the concern of the Staff Department of the Area Army, but this Staff Department was busy on some other matters and at that time there was a report from the Gendarmes that P.O.Ws. were treated too kindly and I was ordered to investigate into the matter. When I went to investigate I found that the P.O.Ws. were not being treated too kindly, but they were being treated ordinarily or as usual.
- Q: Will you tell the Court what the function of the P.O.W. Information Bureau was, was it ~~aim~~ to lay down the administration of the P.O.Ws. Camp?
- A: The purpose of the P.O.W. Information Bureau was because it was familiar with matters concerning P.O.Ws. It was to communicate with outside countries concerning P.O.Ws.; taking care of parcels and letters. The P.O.W. Information Bureau duly took care of the direct control of the P.O.Ws. The Chief of the P.O.W. Information Bureau would be concretely the Chief of the P.O.W. Administrative Bureau, but the functions of the two Bureaus were different.
- Q: Would the P.O.W. Administration Bureau be a superior command to the local G.O.C. or Governor General in any particular area, or in particular Hong Kong?
- A: He would not. The War Minister would be the direct superior of the G.O.C.
- Q: Yes I understand, that the War Minister would be the superior of the G.O.C. I am asking you what the position of the P.O.W. Administrative Branch would be to the G.O.C.?
- A: The Chief of the Administrative Bureau cannot give orders to the G.O.C. The War Minister gives orders to the G.O.C. The Administrative Bureau to the War Minister is the direct controller of the G.O.C. The Administrative Bureau does actual work under the supervision of the War Minister.
- Q: It seems to me that we are now confusing the responsibility of the Administrative Bureau with the War Minister. I well know there must be a certain change ~~into~~ the orders given, but I am suggesting this to you. If a P.O.W. Administrative Bureau lays down an administrative order for the benefit of the P.O.Ws., then it is decided to ~~binding~~ ^{chain} ~~in the G.O.C. on the area.~~ ^{see}
- A: The Administrative Bureau itself cannot make any regulations. All such regulations are made in the name of the War Minister and all these orders and Army transmission would be made in the name of the War Minister. If any regulation is not made in the name of the War Minister, ~~the local G.O.C. must~~ it is not necessary for the Local G.O.C. to obey the order,

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6TH WITNESS FOR DEFENCE - Major General SHOJI TOSHISHIGE.
 CROSSEXAMINATION - Major PUDDICOMBE. (Contd).

A: therefore, it would never be such a case.

Q: General, you are giving a lot of information we do not require. In who ever's name the order is made whether the War Ministry or the P.O.W. Bureau, whatever it maybe that superior order when it comes down to the G.O.C. can or cannot be changed by him? Now that is the question simply that I am asking you. Please do not go through any rigmole, as to how an Army order comes down and who signs it, I am not interested in that.

A: The Local G.O.C. cannot.

Q: In that event if it is found that the Medical G.O.C. is disobeying one of the orders of the Supreme Commander, is it not competent for the Camp Commandant to point that out?

A: There would be no case whatsoever of a G.O.C. disobeying an order of regulation. The G.O.C. should set an example in the matter of obeying orders and regulations, therefore, there would be no such case.

Q: As a matter of fact if a procedure has been carried out which is manifestly against the order of the high command, it is useless for the executor to lay the blame on the G.O.C., is it not?

A: Do you mean if the local G.O.C. did not obey an order of the War Minister?

Q: I do not mean that at all. You just said that a Local G.O.C. cannot disobey an order, that it was an absolute impossibility. This is what I mean. If a flagrant breach of Rules, Regulations, Orders of the War Ministry is carried out in a P.O.W. Camp, it is useless for the Camp Commandant to lay the blame on the Local G.O.C. or the Local Government?

A: The Camp Commandant ~~cannot~~ cannot ask the Local G.O.C. to take the blame.

The Court is adjourned until 1415 hours.

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The Court re-examines at 1400 hours.

28 January 1947.

6TH WITNESS FOR DEFENCE -- Major General SHOJI TOSHISHIGE

COURT: Do you wish to re-examine, Mr. FUJITA?

DEFENCE: No questions sir.

QUESTIONS BY THE COURT:

- Q. You have told the Court that orders are frequently passed verbally and sometimes by letter. Would it be, in the normal tradition of the Japanese Army to pass an order, let us say, an instruction or recommendation verbally, that is by word of mouth by an officer travelling from one place to another?
- A. Yes.
- Q. Now to consider the question of responsibility for a moment -- Supposing the troops of a unit are temporarily attached to another unit for the purpose of doing a certain work, is it right to say that as far as the work they are detailed to do is concerned, the O/C of the unit to which they are attached is responsible for their conduct and work?
- A. That is how it is done. It is laid down that the subordinates of a Unit must absolutely obey the orders of the Commander of a Unit even through the detachment or members of the detachment is or are not direct subordinates of the Unit. If they are despatched for a certain work, concerning this work they are under the command of the C.O. of the Unit to which they are attached. Therefore, the Commander must be fully responsible for whatever he orders. If the Commander did not give an order, then the person who made the mistake is responsible.
- Q. To take it a step further, supposing this detachment or members thereof misconduct themselves in connection with matters not directly in relation with the work they have been sent to do, what then?
- A. What sort of a misdemeanour do you mean?
- Q. Well, e.g. a detachment of a formation is lent to another organisation to do guard duties at a POW Camp. While there they act improperly, not towards the POWs but towards persons outside the POW Camp. Who is responsible for their behaviour? The Commander of their unit or the Commander of the formation to which they are attached?
- A. If it concerns something outside the POW Camp, the Commander of the detachment and the persons misbehaving would be responsible.
- Q. In your view as an Army senior officer the Commander of the formation to which they were lent would not be responsible?
- A. In that case the C.O. POW camp did not give an order and therefore is not held responsible.
- Q. If the misdemeanour is reported to him would he have the power to punish?
- A. The Commander of the original unit is responsible for the punishment in that case.
- Q. To take it a step further; supposing the misconduct of a sentry to people outside of the camp takes place because there is some connection between these persons outside of the camp and the persons inside the camp, e.g. the people outside came too close to the wire (fence) or the sentry thinks they did?
- A. In that case it would be regulated by the regulations that guards must obey
- Q. To put it more definitely, supposing guards outside the camp

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6TH WITNESS FOR DEFENCE -- Major General SHOJI TOSHISHIGE

QUESTIONS BY COURT (Cont).

are given the order that no one will come within 20 metres of the fence, and supposing that in carrying out this order they do something entirely wrong, e.g. instead of telling a person to go away further or of pushing her off, they take their rifles and shoot the person -- who is responsible?

- A. First of all I wish to explain that if the regulation saying that no one will come within 20 metres from the fence is on military land, such a regulation is in order -- but if such was made when a POW is next to a road; such regulation could not be made because the road is public -- However, if there is such a regulation the guard is bound by the general guarding regulations; and in these regulations it is said that if someone comes near the guard must call out three times: "who is there?", and if the person does not answer he can shoot. And so if the person comes nearer and does not answer and he shoots he is in order -- I wish to give an example -- In 1922 when the Japanese and the Americans carried out an expedition in Siberia jointly, - at Vladivostok, a Japanese sentry shot an American captain named Laughton (?). The sentry in question at that time in accordance with the regulations called out three times but the Captain because he was drunk or intoxicated did not answer. The sentry shot and was not punished by any criminal law because he had obeyed the army regulations -- I think that later Japan paid an indemnity.

- Q. That can be understood but supposing that a person on being challenged stops and maybe starts away, and supposing the sentry goes after him and assaults him -- do you agree that the sentry is exceeding his duties if he does that?

- A. If the guard acted according to regulations he would not be held responsible -- but in that case the person in question would be responsible for his action.

- Q. If the guard extended his duty would any superior officer be responsible?

- A. The guard in question for such an action would be held responsible because of violation of the regulation but the superior would not be held responsible by any criminal law for such an action.

- Q. I would like to know something about the status of a civilian attached to the Army? Is it correct to say that a civilian attached to the Army of superior grade, SONIN, -- did he have the honorary status of an officer?

- A. It is laid down that in matters of calling an order such a civilian official would be treated the same as an officer.

- Q. He would have the power to give orders to private soldiers or N.C.Os or officials of the Army?

- A. He did not have the right.

- Q. Would he have to obey any proper military order given to him by an Army Officer? Would he have to obey an order given to

- him by an Army Officer even though the Army Officer were only of an equal or inferior rank to himself?

- A. The circumstances would be stipulated by what sort of work the civilian attached to the Army is engaged in, if it is laid down that the civilian attached must obey orders of Army Officers then in that case he must, that is he must, if the civilian attached to the Army is included in a party that is set under the command of a Lieut, then in that case the civilian attached to the Army must obey the Commander of the party even though he is a lieutenant. It is laid down that the Army Internal Service Regulation shall be applied to civilians attached to the Army; therefore, in that case he does not have to obey the order. For instance, if a second lieutenant was in charge of a party in transport and the civilian attached to the Army was

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6TH WITNESS FOR DEFENCE -- Major General SHOJI TOSHISHIGE

QUESTIONS BY COURT (Cont).

included in the party, even though he was a senior ranking civilian attached to the Army he must obey orders of the second lieutenant who is in charge of transport concerning matters of transportation.

- Q. Who decides whether the civilian interpreter is bound to obey the Army officer or vice versa, who decides that?
- A. When a civilian becomes attached to the Army he takes an oath, and also besides this oath he is also bound by five or six other articles to obey orders of army officers.
- Q. Perhaps I did not make myself quite clear -- let us take a concrete case; we have an officer in the position of Camp Commandant of POW Camps; under him he has several officers and several interpreters, now can that Camp Commandant lay down that any particular interpreter is not to take orders from sub-ordinate Army officers and can only take orders from himself, i.e. the Camp Commandant?
- A. He can.
- Q. Now, would you agree that an officer in the position of Governor General of Hong Kong area would be an officer with great many important matters to decide and that he would therefore be a very busy man?
- A. I do not know the circumstances in Hong Kong but I do know that an officer in the position of a General Officer Commanding has many important duties.
- Q. And would it be correct to say that his duty of being Chief Supervisor of POW Camps would be one of the less important ones?
- A. I do not know the circumstances in Hong Kong nor do I know how busy the Governor General was, therefore, I cannot answer the question.
- Q. Leave the question of Hong Kong out for the moment, just take general principles, do you agree that the Commander in Chief of POW Camps in an area -- his duties of supervising the POW Camp would be one of the less important duties?
- A. If the POW Camp is in an operational area, matters concerning operation would be of the utmost importance over supervising the POW camp, but if the POW Camp was in another area it cannot be said that the work of supervising such a POW Camp is not important; it depends on the circumstances, time and conditions.
- Q. Assuming the area to be non-operational, would you agree that the Area Commander would lay down the general policy and the general rules which he wanted the Camp Commandant to observe in running the camps and he would then let the Camp Commandant have a pretty free hand provided he laid down the policy within the area commanded by the General Officer Commanding?
- A. I do not know about the circumstances of the Hong Kong Governor General, but if I were a G.O.C., the G.O.C. cannot on his own opinion form a policy or make regulations; he must always receive permission of the War Minister, but if I were G.O.C. I would think that it would be within my duties to see whether the regulations or policy laid down by the War Minister were actually carried out or not. I heard that in Japan in such a case there were some G.O.C.s who even carried out inspections of the POW Camp.
- Q. And supposing you discovered you were even a higher ranking officer than the G.O.C. in an area, supposing you discovered the G.O.C. had never been to see the POW camp what would your opinion be on that?
- A. In that case, if I were the Minister of War, it is not laid down that a G.O.C. must carry out inspections; it is only laid down

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6TH WITNESS FOR DEFENCE -- Major General SHOJI TOSHISHIGE

QUESTIONS BY COURT (Cont).

that a G.O.C. must carry out inspections; it is only laid down that he should properly supervise the POW Camp. If I were in that position under those circumstances, I would, if necessary, caution the G.O.C. or it would give instructions.

- Q. Assuming that the G.O.C. an area did not go and inspect POW Camps, would it be a reasonable inference to draw that the Camp Commandant was left with a very free hand ~~in~~ with which to carry on in the camps?
- A. I cannot give an answer because I do not know the state of mind of the G.O.C., I do not know whether he left everything to the Camp Commandant or he did not deem it necessary to carry out an inspection, therefore, I cannot give a definite answer.
- Q. Now, in the course of your military career and studies have you ever heard of the Geneva Convention relative to the treatment of POWs?
- A. I do not remember quite well but I think I have heard of the Convention.
- Q. And did you hear that the Japanese Government, after the war had been going on for some months made a proclamation that although Japan had not signed that Convention they would nevertheless agree to observe the terms of the Convention; did you ever hear that?
- A. I heard that Japan did not ratify the Convention and also I heard that Japan would apply the Convention.
- Q. In that case then can you reconcile that declaration, the policy on the part of the Japanese Government with an earlier policy which you have also described to the Court of treating POWs strictly; that is that they should not be too comfortable -- how do you reconcile those two policies?
- A. In Japan there are regulations and in those regulations it says that POWs should be treated humanly.
- Q. One last question, General, I do not want to go into the general details, speaking as an ~~official~~ soldier would you say that during the year 1942 Japan was in a favourable situation militarily and that war was on the whole going well for the country; that is for Japan in 1942?
- A. Until March and April of 1942 everything ran smoothly but after that it did not run so smoothly.
- Q. Yes, but would you say that during 1942 although perhaps things were not running smoothly, could you say that Japan was in any acute difficulty during that year and that things may not have gone according to plan after March and April of 1942?
- A. During the end of 1942 I took part in the Guadalcanal operation and I thought, at that time, Japan's standpoint was very difficult.

COURT: Mr. FUJITA, arising out of the questions the Court has asked do you wish to ask any further questions?

DEFENCE: No questions.

COURT: Mr. HASEGAWA, arising out of the questions the Court has asked do you wish to ask any further questions?

DEFENCE: No questions.

COURT: Major PUDDICOMBE, arising out of the questions the Court has asked do you wish to ask any further questions?

~~DEFENCE:~~
PROSECUTOR: I have two or three questions.

- Q. In regard to the sentries, is it not true that while they were actually guarding the POWs they were under the jurisdiction of the

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6TH WITNESS FOR DEFENCE -- Major General SHOJI TOSHISHIGE

QUESTIONS BY COURT (Cont).

of the Camp Commander or Camp Commandant, as the case may be?

A. In Japan there were guard soldiers and guard employees, I do not know the case of Hong Kong. Guard soldiers are military personnel; a guard employee is a civilian attached to the Army.

Q. If he is a guard soldier on duty as a sentry for a POW Camp, whether the sentry be on the outside or inside perimeter of the camp, is it not true that he is under the command of the Camp Commander or Camp Commandant?

A. This would be regulated by the order in the appointment, that is the order which the Camp Commandant received about the guard or the order which the Commander ~~in~~ of the Unit gave to the guards.

Q. And you do not know what the order was in Hong Kong?

A. I do not know.

Q. The other question is this, sir -- you have given evidence in respect to the relevant position of a civilian interpreter and the superior officer -- if in the trial of an interpreter in another Court, evidence was given by a Japanese staff officer that an Army Officer of superior rank could not delegate ~~the~~ ^{the} power of civilian interpreter, even of the SONIN rank ~~over to the~~ ^{over to the} and in charge of soldiers, would you say that that was good opinion, or do you disagree with that?

A. Do you mean that the civilian cannot command soldiers, is that what you mean?

Q. I do not mean that, I mean, can the Army officer delegate -- put a civilian interpreter in his place so that the civilian interpreter can give orders to Army personnel in place of the Army Officer; the opinion before was that he could not -- all I want to know is do you agree with the opinion or do you disagree?

A. That is quite natural -- a civilian attached to the army has no power of command over troops.

Q. That is not my question, General, I want to know if the superior Army Officer can empower the civilian to order soldiers?

A. The powers of an officer cannot be delegated to a civilian attached to the Army.

COURT: Arising out of that General, how do you reconcile that with your earlier evidence that the Commandant of a POW HQS -- with officers and interpreters under his command -- could delegate to some particular interpreter such a power?

WITNESS: I did not say that.

COURT: Arising out of that although you told the Prosecutor just now that an officer cannot delegate his power of command over Japanese soldiers to a civilian attached to the Army, does that mean that a Superior Officer, such as the Camp Commandant could not delegate or could not lay down that an interpreter did not have to obey an order? There is a difference between being allowed to give an order and being compelled to obey an order. You said no Japanese officer could delegate his powers ~~over~~ ^{to} a civilian attached to the Army, but can an officer give the interpreter the privilege of not being compelled to obey an order from an officer of equal or junior rank to himself?

WITNESS: He can give the privilege but because of the work I do not think he would do such a thing.

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6TH WITNESS FOR DEFENCE -- Major General SHOJI TOSHISHIGE

QUESTIONS BY COURT (Cont).

COURT: Mr. FUJITA, do you wish to ask any further questions?
DEFENCE: No questions.

COURT: Mr. HASEGAWA, do you wish to ask any further questions?
DEFENCE: No questions.

COURT: Major PUDDICOMBE, do you wish to ask any further questions?
PROSECUTOR: No questions.

COURT: Witness can stand down.

COURT: Mr. FUJITA will you call your next witness?

DEFENCE: I wish to call Capt USHIYAMA.

7TH WITNESS FOR DEFENCE -- Capt USHIYAMA

EXAMINATION IN CHIEF -- Mr. ~~THE~~ FUJITA.

having been duly affirmed etc
Witness ~~makes a solemn declaration~~ and is questioned by
Defence Counsel:

COURT: Will you warn the witness that he need not answer any
questions from Prosecution, Defence or the Court which
might implicate him in ^{a etc} crime.

- Q. Please give your name, age and rank?
A. USHIYAMA IKIO, 40 years old, Gendarme Captain.
- Q. Were you ever posted to duties at Hong Kong?
A. I have been.
- Q. Were those duties concerning the duties of the gendarme?
A. That is correct.
- Q. In this Court there were evidences saying that a large quantity
of Red Cross goods were found on the Hong Kong market, do you
know whether the gendarmerie looked into this matter or not?
A. Yes.
- Q. About these goods what do you know?
A. There was a request asking for an investigation to be carried
out about Red Cross Goods on the market which came on the AWA
MARU.
- Q. When did this happen and who made the request?
A. This request was received about October 1942 from the Foreign
Affairs Section and Police Affairs Section of the Governor
General's Office.
- COURT: Mr. FUJITA, before the witness continues may I
know exactly what his position and appointment was
in Hong Kong at the time?
- Q. At that time what was your position and rank in the Hong Kong
Gendarmerie?
A. My position was Commander of the Hong Kong western gendarmerie
district and my rank at that time was gendarmerie captain.
- Q. What area was under the supervision of the western gendarmerie
district?
A. West from the Hong Kong Shanghai Bank.
- Q. After you received the request for an investigation, what did
you do?

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7TH WITNESS FOR DEFENCE -- Capt USHIYAMA

EXAMINATION IN CHIEF -- Mr. FUJITA (Cont).

A. I will begin by explaining the detailed explanation received at that time from the Chief of the Foreign Affairs Section. At the time when I received instructions to carry out the investigation from the Chief of the Foreign Affairs Section, the Chief told me that the local Red Cross representative came to the Foreign Affairs Section and told him the following things: I have discovered that Red Cross goods which came on the AWA MARU were on the market. At that time there was nothing like that on the market in Hong Kong and these goods must have come on the AWA MARU and that I have found these goods in the Chinese shops in KOWLOON. This is what the Red Cross representative explained to the Chief of the Foreign Affairs Section. The Red Cross Representative requested to have the investigation carried out to find out why such goods were on the market. The Foreign Affairs Section requested the Gendarmerie to find out how such goods appeared on the market and also the Foreign Affairs Section requested the Gendarmerie to do its utmost to collect such goods when such goods were found. I received the permission of the Commander and immediately began to investigate. At that time I thought generally that these goods appeared on the market because of the following reasons: 1) that the goods came from the POW Camp; 2) that they were stolen by the coolies doing unloading during the transportation of the goods and 3) the POWs bartered the goods for things they wished to have; with these three points in my mind I began the investigation. About the first point I sent some of my subordinates to the POW Camp to investigate the amount that the POWs received and the amount that was distributed and the amount that the POWs kept in their room. After checking the invoice of the Shipping Unit with the amount received by the POW Camp, I found that there was no mistake and also I found out that there were no goods scattered about the POW Camp. About the second point, I sent some of my subordinates to the Shipping Unit, at that time, OMACHI BUTAI, to investigate whether there were any goods lost during unloading and whether there were any broken cases when the goods arrived. As a result of the investigation I found out that there were many broken cases when the goods arrived. Also, I found out that the coolies at the wharf unloaded the goods. On the other hand I had a strict investigation carried out of the shops and department stores on the Hong Kong island and KOWLOON, and as a result of the investigation it was found out that two shops near the PENINSULA Hotel were selling some of the goods. Then, I had an investigation carried out of the employees of these shops to find out ~~whether~~ where the goods were obtained, and as a result of this investigation it was found out that on several occasions coolies brought the goods. In deciding on these various circumstances I concluded that because of insufficiently strongly packed cases, the goods were stolen by the coolies during unloading and transportation of the goods. As I remember it the amount of the goods that was found in these shops was not extensive but they were respectively about 10 to 16 canned goods such as cheese in one store and about 30 in another shop. The goods were kept as they were in the shops and on the other hand investigation was carried out of the coolies at the wharf but because the whereabouts of some were not known, although ten days were used for the investigation, nothing could be found out.

Q. You said that the first point was that you thought that may be the goods came out of the POW Camp, by that do you mean that the goods came from the POWs or from the Japanese side?

A. By the first point I meant that the employees of the POW Camp; by the third point I meant the POWs themselves.

Q. Was KOWLOON included in the area under the western gendarmerie district?

A. It was not.

Q.

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7TH WITNESS FOR DEFENCE -- Capt USHIYAMA

EXAMINATION IN CHIEF -- Mr. FUJITA (Cont).

- Q. Was the investigation in KOWLOON carried out under your supervision?
- A. Because I received a sample of the goods from the Governor General's Office -- at the beginning the whole investigation was carried out under my supervision.
- Q. You said at the beginning the investigation was carried out under your supervision, does that mean that later on some other unit took over the investigation?
- A. For the first ten days the investigation was carried out under my supervision but because of the area -- the investigation concerning the KOWLOON side was handed over to the KOWLOON gendarmerie.

The Court is adjourned until 1000 hours on the 29th January 1947.

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No. 5 WAR CRIMES COURT.

49TH DAY'S PROCEEDINGS of the trial of Col. TOKUNAGA ISAO, Capt. SAITO SHUNKICHI, Lieut. TANAKA HITOSHI, Interpreter TSUTADA ITSUO and Sgt. HARADA JOTARO of the Imperial Japanese Army held at Hong Kong on the 29th January, 1947, at Jardine Matheson's East Point Godown.

The Court re-assembles at 1000

1000 hours - 29th January, 1947.

7TH WITNESS FOR DEFENCE - Capt. USHIYAMA YUKIO.

CROSSEXAMINATION - Major PUDDICOMBE.

COURT: Mr. HASEGAWA do you wish to ask any questions?

DEFENCE COUNSEL (Mr. HASEGAWA): No questions.

CROSSEXAMINATION - Major PUDDICOMBE.

Q: According to the notes I made of your examination in chief yesterday, it was understood that you proceeded to request to investigate the sale of Red Cross goods in October, 1942. Now I submit that you might think over whether that is correct or not?

A: This incident concerned the AWA MARU and as I remember it, it was in 1944.

Q: In 1944 as you remember it. Will you also remember that the investigation took place in October, 1944, is that what you mean?

A: Yes that is the way I interpret it.

Q: In any event you are quite sure that your investigation had nothing to do with goods that came in the AWA MARU irrespective of what the date may be?

A: I am sure.

Q: It had nothing to do with goods that were received on any other Red Cross ship whatsoever then?

A: I am sure it was the AWA MARU.

Q: No other ship?

A: No other ship.

Q: Now during the course of your investigation of the shops at KOW LOON, did you go to a shop at the corner of AUSTIN Road and NATHAN Road?

A: I received a report that the shop was a shop near the PENINSULAR HOTEL. I am not sure of the position.

Q: I understand then that you did not make this investigation yourself, it was made by a man directed by you?

A: By someone else.

Q: So that you are unable to say from first hand knowledge just where those goods were found?

A: I did not know - do not remember the names of the shops. I received a report that the two shops were near the PENINSULAR HOTEL.

Q: What I am asking you is this Captain - did you or

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7TH WITNESS FOR DEFENCE - Capt. USHIYAMA YUKIO.

CROSSEXAMINATION - Major PUDDICOMBE (Contd).

Q: did you not personally go to those shops and there personally see the Red Cross goods?

A: At those shops I myself did not see the goods.

Q: Did you see the shops?

A: I did not.

Q: Now as I understand your evidence as I have taken it down, you went to the Camp to investigate the invoices of the shipping unit with the remarks received by the P.O.W. Camp. I presume you mean by that you prepared the ship's invoice with the goods in Camp, is that correct?

A: By the invoice I mean the list of articles which the OMACHI Unit handed to the P.O.W. Camp.

Q: You say you found there were no mistakes and no goods scattered about the Camp - do you mean that the amount of goods shown on the list given by the OMACHI could be accounted for by the amount of goods you checked in the Camp?

A: By that I mean that all the articles in the list of the OMACHI Unit was received by the P.O.Ws. Camp and was distributed.

Q: Whose word did you take in that that they had been received and had been distributed. Did you examine any of the P.O.Ws.?

A: From the Intendant Officer.

Q: Then it is understood Captain, that you made enquiries from the Intendant Officer as to what goods were received and what goods were distributed and that your enquiries went no further, is that so?

A: Of course at that time I questioned the P.O.W. Representative.

Q: And who may that have been?

A: I do not remember the name.

Q: Was that in the P.O.W. Camp at SHAMSHUIPO for Officers or for men?

A: I received a report about that at that time, but I do not remember the details.

Q: You do not remember whether the P.O.W. Representative you saw was the Representative for the soldiers' camp, or the Officers' camp? By soldiers I mean Other Ranks.

A: I personally did not meet the Representative. I only received a report about the matter, therefore, I cannot say for sure.

Q: So in this case too Captain, the evidence you are giving is second hand?

A: My evidence is based on the report I received from my subordinates.

Q: Did you yourself actually go to SHAMSHUIPO and take that list given by the OMACHI to the Camp?

A: I myself did not.

Q: Did you or your subordinates make any enquiries as to how the goods were handed over to the P.O.W. personnel - was it done on the docks, or did

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7TH WITNESS FOR DEFENCE - Capt. USHIYAMA YUKIO.

CROSSEXAMINATION - Major PUDDICOMBE (Contd).

- Q: the OMACHI Unit deliver the goods to the Camp?
 A: I think the investigation was carried out at that time, I do not remember.
- Q: Then you do not know whether the goods were handled at the docks by the P.O.W. Japanese Camp personnel or not, do you?
 A: About that point, I do not remember.
- Q: So that actually Captain on this point you were giving the Court a decision made from two or three before, which now you are unable to substantiate from the opinion you received then, do you agree?
 A: What I have said in the Court, I only said the points that I can clearly remember.
- Q: You are unable to tell the Court how you arrived at the conclusions that you now offer to the Court for their consideration?
 A: What decision?
- Q: The decision that these goods have been stolen by coolies.
 A: I came to the decision and I explained to the Court by consulting the various reports I received from my subordinates and also the report that coolies came to the shop and stole the goods, also that large quantities of the cases were broken at that time. By consulting these points, I came to the conclusion that the goods were stolen by the coolies.
- Q: Yes, but as far as we know in the evidence that you have given us, you did not consider whether or not Japanese P.O.W. Camp personnel had an opportunity to steal those goods from the broken packages in the dock yard, is that correct?
 A: At that time, I came to the conclusion that the goods were stolen by the coolies because the coolies went to this shop on several occasions and brought various goods to sell.
- Q: Now Captain it is not necessary to repeat that again, you gave it in evidence and it was accepted in evidence. What I want to know, and this is all, is whether or not you considered the possibility of P.O.W. Camp Japanese Officials taking the goods from the broken cases in the dock yard, that is all?
 A: Of course certainly I investigated into that point.
- Q: Did you investigate or did your subordinates investigate?
 A: My subordinates.
- Q: Did the Camp personnel take deliver of the goods at the dock or at the Camp?
 A: I do not remember.
- Q: And you were unable to say now whether the goods from the broken cases were in fact extracted by the P.O.W. Japanese Camp Officials? It is not necessary to mention the coolies giving it to the stores again.
 A: As I said yesterday, I had a suspicion on this point and I had the quarters of the P.O.W. Camp investigated.

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